



Journal of the Senate

Number 2—Regular Session

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CALL TO ORDER

The Senate was called to order by President King at 9:00 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

The following prayer was offered by Pastor Randy White, Without Walls International Church, Tampa:

Heavenly Father, we come to you and we pray first for our citizens, and the nation that your hand will be upon them and that you will keep them, lead them and guide them.

We thank you for these men and women who are represented here today, chosen by the State of Florida. Today we don't see Republican or Democrat, but one body. Your Word says in Psalm 133, "How good and how pleasant it is for brethren to dwell together in unity." We pray for their families. We pray for their health. We pray for wisdom today.

Your Word also says in Timothy to pray for our leaders. Father, we pray for our president, President Bush, that your hand will be upon him, and once again that you will lead him and guide him and give him wisdom. We pray for our Vice President, we pray for our Secretary of State, the Cabinet, and the Congress. We pray for our governor, Governor Bush, his Cabinet and our Legislators. We know and recognize that you are the same yesterday, today and forever; you change not. Lord, we pray for the safety of our troops in Iraq and their families.

In conclusion, Lord, we pray for the troops that have now been sent to Haiti, that no harm will come upon them. In your name we ask it, Amen.

PLEDGE

Senate Pages Erin Dowd of Altamonte Springs, Brittiney Johnson of Tallahassee, Laura Krantz of Tampa and Spencer Braddock, nephew of

the President, from Carlsbad, California, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. John L. Williams of Tallahassee, sponsored by Senator Lawson, as doctor of the day. Dr. Williams specializes in General Surgery.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **SB 122, CS for SB 124, CS for SB 176, CS for SB 654, SB 132 and CS for SB 476** were withdrawn from the Committee on Appropriations.

On motion by Senator Lee, by two-thirds vote **CS for CS for SB 1156** was removed from the calendar and referred to the Committee on Appropriations; **CS for CS for SB 192** was withdrawn from the Committees on Appropriations Subcommittee on Article V Implementation and Judiciary; and Appropriations; **SM 1888, CS for CS for SB 464, CS for SB 466, SB 468, SB 674, CS for SB 410 and SB 462** were withdrawn from the Committee on Rules and Calendar; and **SB 634** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Lee, the rules were waived and the Committees on Agriculture; Children and Families; and Governmental Oversight and Productivity were granted permission to meet from 11:15 a.m. until 1:15 p.m. in lieu of 10:45 a.m. until 12:45 p.m. as scheduled March 4.

On motion by Senator Lee, the rules were waived and the Committee on Appropriations was granted permission to meet from 1:30 p.m. until 2:30 p.m. in lieu of 1:00 p.m. until 2:30 p.m. as scheduled March 4.

SPECIAL ORDER CALENDAR

On motion by Senator Peaden—

CS for SB 2002—A bill to be entitled An act relating to health care initiatives; creating s. 460.4062, F.S.; authorizing the Department of Health to issue a chiropractic medicine faculty certificate for certain faculty who have accepted appointment at a publicly funded state university or college; authorizing an application fee; providing requirements; providing for renewal and expiration of the certificate; creating s. 1004.383, F.S.; authorizing a chiropractic medicine degree program at Florida State University; amending s. 561.121, F.S.; providing for annual appropriations from the proceeds of the excise tax on alcoholic beverages; providing for distribution of the funds to the Department of Elderly Affairs, the Department of Health, and Florida State University for specified research and programs; amending s. 1004.43, F.S.; authorizing the establishment of for-profit subsidiaries of the governing corporation of the H. Lee Moffitt Cancer Center and Research Institute; prohibiting certain activities by such for-profit subsidiaries; requiring that the contract with the State Board of Education permit the use of lands, facilities, and personnel for research, education, treatment, prevention, and early detection of cancer; authorizing the governing corporation and its subsidiaries to obtain their own property insurance coverage; requiring that certain appropriations be paid directly to the board of directors of the governing corporation; changing the appointing authority for certain members of the council of scientific advisers; amending s. 1004.445, F.S.; renaming the Florida Alzheimer's Center and Research Institute

as the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; deleting obsolete provisions; authorizing the establishment of for-profit subsidiaries of the governing corporation; requiring that the contract with the State Board of Education permit the use of lands, facilities, and personnel for research, education, treatment, prevention, and early detection of Alzheimer's disease; authorizing the governing corporation and its subsidiaries to obtain their own property insurance coverage; requiring that certain appropriations be paid directly to the board of directors of the governing corporation; changing the appointing authority for certain members of the council of scientific advisers; creating the Florida Center for Universal Research to Eradicate Disease within the Department of Health; providing legislative findings and intent; specifying the purpose and duties of the center; requiring an annual report to the Governor and Legislature; authorizing the department to outsource the duties of the center; creating an advisory council; amending s. 215.5602, F.S.; expanding the long-term goals of the James and Esther King Biomedical Research Program to include the cure of specified diseases; providing funding priority; amending s. 215.5601, F.S., relating to the Lawton Chiles Endowment Fund, to conform an intent provision; designating the Life Sciences Building at Florida State University as the "James E. 'Jim' King, Jr., Building"; authorizing Florida State University to erect markers; creating the Florida Cancer Research Council; providing for the affairs of the council; requiring an annual report; specifying the council's mission and duties; creating the Florida Public Health Foundation, Inc.; providing for the foundation's duties and mission; providing for its board of directors; requiring annual reports; requiring the foundation to coordinate monthly health awareness campaigns to disseminate information about specified diseases and conditions; establishing the Prostate Cancer Awareness Program within the Department of Health for the purpose of providing statewide outreach and education concerning the early detection of prostate cancer; authorizing the department and the Florida Public Health Foundation, Inc., to enter into contracts and seek grant moneys; creating an advisory committee to assist the program; providing for membership of the committee; authorizing reimbursement for certain per diem and travel expenses; creating the Cervical Cancer Elimination Task Force; providing duties and membership of the task force; requiring the task force to make periodic reports to the Governor and the Legislature; providing for the task force to be dissolved on a specified date; providing an effective date.

—was read the second time by title.

Senator Peaden moved the following amendments which were adopted:

Amendment 1 (814760)(with title amendment)—On page 25, line 20; on page 28, lines 25 and 27; on page 30, line 29; and on page 38, line 28, delete "Research"

And the title is amended as follows:

On page 3, line 12, delete "Research"

Amendment 2 (324752)—On page 29, line 1 through page 30, line 18, delete those lines and insert: *shall be organized and shall operate in accordance with this act.*

(b) *The Florida Cancer Council may create not-for-profit corporate subsidiaries to fulfill its mission. The council and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as technical and professional income generated or derived from the mission-related activities of the council.*

(c) *The members of the council shall consist of:*

1. *Chairman of the Florida Dialogue on Cancer, who shall serve as the chairman of the council;*
2. *Secretary of the Department of Health or his or her designee;*
3. *Chief Executive Officer of the H. Lee Moffitt Cancer Center or his or her designee;*
4. *Director of the University of Florida Shands Cancer Center or his or her designee;*
5. *Chief Executive Officer of the University of Miami Sylvester Comprehensive Cancer Center or his or her designee;*

6. *Chief Executive Officer of the Mayo Clinic, Jacksonville or his or her designee;*

7. *Chief Executive Officer of the American Cancer Society, Florida Division or his or her designee;*

8. *President of the American Cancer Society, Florida Division Board of Directors or his or her designee;*

9. *President of the Florida Society of Clinical Oncology or his or her designee;*

10. *President of the American College of Surgeons, Florida Chapter, or his or her designee;*

11. *Chief Executive Officer of Enterprise Florida, Inc., or his or her designee;*

12. *Five representatives from cancer programs approved by the American College of Surgeons. Three shall be appointed by the Governor, one shall be appointed by the Speaker of the House of Representatives, and one shall be appointed by the President of the Senate;*

13. *One member of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and*

14. *One member of the Senate, to be appointed by the President of the Senate.*

(d) *Appointments made by the Speaker of the House of Representatives and the President of the Senate pursuant to paragraph (c) shall be for 2-year terms, concurrent with the bienniums in which they serve as presiding officers.*

(e) *Appointments made by the Governor pursuant to paragraph (c) shall be for 2-year terms, although the Governor may reappoint members.*

Pursuant to Rule 4.19, **CS for SB 2002** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 492** was deferred.

On motion by Senator Posey—

SB 282—A bill to be entitled An act relating to enforcement of lost, destroyed, or stolen negotiable instruments; amending s. 673.3091, F.S.; providing an additional circumstance under which a person not in possession of a lost, destroyed, or stolen negotiable instrument may enforce such instrument; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 282** was placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton—

CS for SB 492—A bill to be entitled An act relating to certified geriatric specialty nursing; providing a short title; requiring the Agency for Workforce Innovation to establish a pilot program for delivery of certified geriatric specialty nursing education; specifying eligibility requirements for certified nursing assistants to obtain certified geriatric specialty nursing education; specifying requirements for the education of certified nursing assistants to prepare for certification as a certified geriatric specialist; creating a Certified Geriatric Specialty Nursing Initiative Steering Committee; providing for the composition of and manner of appointment to the Certified Geriatric Specialty Nursing Initiative Steering Committee; providing responsibilities of the steering committee; providing for reimbursement for per diem and travel expenses; requiring the Agency for Workforce Innovation to conduct or contract for an evaluation of the pilot program for delivery of certified geriatric specialty nursing education; requiring the evaluation to include recommendations regarding the expansion of the delivery of certified geriatric specialty nursing education in nursing homes; requiring the Agency for Workforce Innovation to report to the Governor and Legislature regarding the status and evaluation of the pilot program; creating s. 464.0125,

F.S.; providing definitions; providing requirements for persons to become certified geriatric specialists; specifying fees; providing for articulation of geriatric specialty nursing coursework and practical nursing coursework; providing practice standards and grounds for which certified geriatric specialists may be subject to discipline by the Board of Nursing; creating restrictions on the use of professional nursing titles; prohibiting the use of certain professional titles; providing penalties; authorizing approved nursing programs to provide education for the preparation of certified geriatric specialists without further board approval; authorizing certified geriatric specialists to supervise the activities of others in nursing home facilities according to rules by the Board of Nursing; revising terminology relating to nursing to conform to the certification of geriatric specialists; amending s. 381.00315, F.S.; revising requirements for the reactivation of the licenses of specified health care practitioners in the event of a public health emergency to include certified geriatric specialists; amending s. 400.021, F.S.; including services provided by a certified geriatric specialist within the definition of nursing service; amending s. 400.211, F.S.; revising requirements for persons employed as nursing assistants to conform to the certification of certified geriatric specialists; amending s. 400.23, F.S.; specifying that certified geriatric specialists shall be considered licensed nursing staff; authorizing licensed practical nurses to supervise the activities of certified geriatric specialists in nursing home facilities according to rules adopted by the Board of Nursing; amending s. 409.908, F.S.; revising the methodology for reimbursement of Medicaid program providers to include services of certified geriatric specialists; amending s. 458.303, F.S.; revising exceptions to the practice of medicine to include services delegated to a certified geriatric specialist under specified circumstances; amending s. 1009.65, F.S.; revising eligibility for the Medical Education Reimbursement and Loan Repayment Program to include certified geriatric specialists; amending s. 1009.66, F.S.; revising eligibility requirements for the Nursing Student Loan Forgiveness Program to include certified geriatric specialists; providing an appropriation; amending s. 464.201, F.S.; defining terms; amending s. 464.202, F.S.; authorizing the Board of Nursing to adopt rules regarding the practice and supervision of certified nursing assistants; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 492** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 222** was deferred.

On motion by Senator Peaden—

CS for SB 1124—A bill to be entitled An act relating to dermatological services; creating s. 458.3245, F.S.; requiring a dermatologist to directly supervise a person who is not licensed to practice medicine or certified to practice advanced level nursing while that person performs specified services; defining terms; creating s. 459.0126, F.S.; requiring a dermatologist to directly supervise a person who is not licensed to practice osteopathic medicine or certified to practice advanced level nursing while that person performs specified services; defining terms; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1124** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 222—A bill to be entitled An act relating to service of process; amending s. 48.031, F.S.; deleting the requirement to use certified mail in service of a subpoena on a witness in specified cases; prohibiting a finding of contempt for failure to appear in response to a subpoena that is not certified; allowing the posting of a criminal witness subpoena under specified conditions; requiring the placement of certain information on the copy of the process served; providing for alternative methods of service under certain circumstances; amending s. 48.081, F.S.; providing alternative methods of service on a corporation; amending s. 48.21, F.S.; requiring servers of process to provide certain information on the return of service; amending s. 48.29, F.S.; deleting the requirement that certified process servers provide certain information on

the face of any process served; amending s. 83.13, F.S.; authorizing the party who had a distress writ issued to deliver the writ to a sheriff in another county; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendments which were moved by Senator Crist and adopted:

Amendment 1 (084530)(with title amendment)—On page 4, line 4, delete (a) and insert: *A certified process server shall place the information provided in s. 48.031(5) on the copy served.*

And the title is amended as follows:

On page 1, lines 17-20, delete said lines and insert: *information on the return of service;*

Amendment 2 (771834)—On page 2, line 15, after “posted” insert: *by a person authorized to serve process*

Senator Crist moved the following amendment which was adopted:

Amendment 3 (774976)(with title amendment)—On page 5, between lines 2 and 3, insert:

Section 6. Subsection (8) is added to section 624.307, Florida Statutes, to read:

624.307 General powers; duties.—

(8) Upon receiving service of legal process issued in any civil action or proceeding in this state against any regulated person required to appoint the Chief Financial Officer as its attorney to receive service of all legal process, the Chief Financial Officer, as attorney, may, in lieu of sending the process by registered or certified mail, send the process by any other verifiable means to the person last designated by the regulated person to receive the process.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 23, after the semicolon (;) insert: amending s. 624.307, F.S.; allowing the Chief Financial Officer, when serving as the attorney to receive service of all legal process for certain regulated persons, to send the process by any verifiable means to the person last designated by the regulated person to receive the process, instead of requiring the process to be sent by registered or certified mail;

Pursuant to Rule 4.19, **CS for SB 222** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

SB 656—A bill to be entitled An act relating to highway designations; designating State Road 19 in Lake County from the northern county boundary to U.S. Highway 441 as the “Private Robert M. McTureous, Jr., U.S.M.C., Medal of Honor Memorial Highway”; designating the St. Johns River Bridge on I-4 at the Seminole/Volusia County line as the “St. Johns River Veterans Memorial Bridge”; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 656** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 1096—A bill to be entitled An act relating to requirements for high school graduation; amending s. 1003.43, F.S.; amending certain prerequisites to allow the award of a standard high school diploma to honorably discharged veterans of the Korean War who did not complete the necessary graduation requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1096** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for SB 1070—A bill to be entitled An act relating to natural gas companies; amending s. 361.05, F.S.; providing that chapters 73 and 74, F.S., which govern actions in eminent domain, apply to natural gas transmission pipeline companies that are subject to regulation under the federal Natural Gas Act; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (860096)—On page 1, delete line 22 and insert: under ss. 403.9401-403.9425 *or an entity that is subject to regulation under*

Pursuant to Rule 4.19, **CS for SB 1070** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 1364—A bill to be entitled An act relating to military awards and decorations; authorizing the Governor to present the Governor's Medal of Merit to a resident of this state who has rendered exceptional meritorious service or who is serving, or who has been honorably discharged from service, in the United States Armed Forces, the Florida National Guard, or the United States Reserve Forces and, while on active duty, rendered exceptional meritorious service; providing a definition; providing for the medal to be presented to a designated representative in the event of the death of a chosen recipient; limiting presentation to one medal per individual; authorizing the Executive Office of the Governor to adopt rules; amending s. 250.10, F.S.; authorizing the Adjutant General to issue military decorations and awards; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1364** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 1532—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2004 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2004 shall be effective immediately upon publication; providing that general laws enacted during the August 12-13, 2003, Special Session and prior thereto and not included in the Florida Statutes 2004 are repealed; providing that general laws enacted during the October 20-24, 2003, Special Session and the 2004 regular session are not repealed by this adoption act.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1532** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 1534—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 11.40, 28.2401, 101.049, 110.205, 112.061, 117.05, 121.021, 121.051, 163.01, 163.3167, 163.524, 192.0105, 206.02, 206.9825, 220.02, 265.285, 287.057, 288.1045, 288.31, 315.031, 316.1937, 320.02, 322.051, 322.08, 322.09, 322.18, 332.004, 341.301, 369.255, 370.01, 372.001, 373.0421, 373.45922, 381.06014, 391.029, 393.0657, 394.741, 394.9082, 394.917, 400.0075, 402.3057, 403.7192, 404.20, 409.017, 409.1671, 409.1757, 409.904, 409.9065, 409.908, 409.91196, 409.912, 409.9122, 414.095, 440.02, 440.102, 440.14, 440.15, 440.25, 440.33, 440.385, 440.45, 440.491, 440.515, 440.60, 443.1215,

455.2125, 456.028, 456.048, 456.051, 458.320, 458.347, 459.0085, 475.01, 475.278, 475.611, 475.6221, 487.046, 493.6106, 499.01, 499.0121, 499.0122, 499.015, 499.03, 499.05, 504.011, 504.014, 517.021, 538.18, 552.40, 565.02, 601.48, 607.1331, 607.1407, 624.123, 624.307, 624.430, 624.461, 624.462, 624.509, 626.175, 626.371, 626.731, 626.7315, 626.7351, 626.7355, 626.7845, 626.785, 626.8305, 626.831, 626.8414, 626.865, 626.866, 626.867, 626.874, 626.9916, 627.351, 627.733, 627.736, 627.832, 628.6012, 628.6013, 631.57, 631.60, 636.0145, 636.029, 636.052, 641.21, 641.225, 641.31, 641.386, 648.34, 648.355, 648.45, 651.013, 657.001, 657.002, 657.021, 657.026, 657.031, 657.039, 657.066, 657.068, 679.338, 679.520, 732.2025, 741.04, 766.102, 766.203, 766.206, 766.209, 787.03, 790.061, 817.566, 817.567, 895.02, 921.0024, 943.171, 985.203, 1003.52, 1007.27, 1009.29, 1011.60, 1012.56, 1013.74, and 1013.79, F.S.; amending and reenacting s. 921.0022, F.S.; reenacting ss. 112.191, 220.191, 259.032, 296.10, and 499.007, F.S.; and repealing s. 414.70, F.S.; pursuant to s. 11.242, F.S.; deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1534** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 1536—A reviser's bill to be entitled An act relating to the Florida Statutes; repealing ss. 110.116(2), 197.1722, 215.555(16), 261.06(12), 288.063(11), 338.2216(5), 372.60, 375.041(6), 401.113(4), 403.1838(4), 403.7095(7), 409.1671(1)(m), 468.805, 489.118(2)(b), 553.8412, and 1010.78(2), F.S., all of which provisions have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the Florida Statutes 2004 only through a reviser's bill duly enacted by the Legislature; and repealing s. 440.185(11), F.S., to confirm the October 2, 2003, repeal of an exemption in accordance with the Open Government Sunset Review Act of 1995.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1536** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 1538—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 627.6515 and 766.1015, F.S., to conform to the directive in s. 1, ch. 93-199, Laws of Florida, to remove gender-specific references applicable to human beings from the Florida Statutes without substantive change in legal effect.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1538** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

CS for SB 2000—A bill to be entitled An act relating to children's health care; amending s. 409.811, F.S.; clarifying definitions for purposes of the Florida Kidcare program; amending s. 409.8132, F.S.; revising provisions governing the Medikids program component; deleting obsolete and duplicative provisions; deleting requirements for a special enrollment period; amending s. 409.8134, F.S.; requiring that the Florida Kidcare program provide for open enrollment periods; providing enrollment criteria; providing for the enrollment of certain children on an emergency basis; requiring the program to initiate certain disenrollment procedures under specified circumstances; exempting certain children from disenrollment; revising requirements for state agencies in

analyzing data regarding the Kidcare program; amending s. 409.814, F.S.; revising requirements for enrollment in the Florida Kidcare program; providing requirements if a child is transferred to another program component; providing that an assets test is not required; requiring certain information to accompany applications; requiring the withholding of benefits upon determination of ineligibility; providing penalties for unlawfully obtaining benefits or assisting in unlawfully obtaining benefits; amending s. 409.815, F.S.; revising coverage requirements for dental services; amending s. 409.818, F.S.; requiring the Agency for Health Care Administration to contract for the provision of comprehensive insurance coverage for enrollees; requiring a competitive selection process; repealing s. 409.818(2)(b) and 409.819, F.S., relating to an outreach program operated by the Department of Health; amending s. 624.91, F.S.; revising legislative intent with respect to expanding health care coverage for children; conforming provisions of the Florida Healthy Kids Corporation Act to changes made in the Florida Kidcare program; deleting obsolete provisions; requiring the Auditor General to conduct an analysis for the purpose of making recommendations for managing ineligible enrollment in the Kidcare program; providing appropriations; providing effective dates.

—was read the second time by title.

Senators Klein, Miller, Smith and Wasserman Schultz offered the following amendment which was moved by Senator Klein and failed:

Amendment 1 (603988)(with title amendment)—On page 2, line 22 through page 21, line 9, delete those lines and insert:

Section 1. *The sum of \$11,636,800 from the General Revenue Fund, the sum of \$806,400 from the Grants and Donations Trust Fund, and the sum of \$28,838,400 from the Medical Care Trust Fund are appropriated to the Agency for Health Care Administration, and the sum of \$3,516,372 from the Donations Trust Fund is appropriated to the Department of Health, for the 2003-2004 fiscal year for the purpose of serving children who submitted an application to the Florida Kidcare program on or before June 30, 2004, and who are determined to be eligible for program components funded under Title XXI of the Social Security Act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3 through page 2, line 18, delete those lines and insert: providing appropriations; providing an effective date.

The vote was:

Yeas—13

Aronberg	Klein	Siplin
Bullard	Lawson	Smith
Campbell	Margolis	Wasserman Schultz
Geller	Miller	Wilson
Hill		

Nays—26

Mr. President	Crist	Peaden
Alexander	Diaz de la Portilla	Posey
Argenziano	Dockery	Pruitt
Atwater	Fasano	Saunders
Bennett	Garcia	Sebesta
Carlton	Haridopolos	Villalobos
Clary	Jones	Webster
Constantine	Lee	Wise
Cowin	Lynn	

Senator Siplin moved the following amendment which failed:

Amendment 2 (040800)(with title amendment)—On page 15, lines 3 and 4, delete those lines and insert:

Section 7. Section 409.819, Florida Statutes, is amended to read:

409.819 Identification of low-income, uninsured children; determination of eligibility for the Florida Kidcare program; alternative health care information.—The Department of Health shall develop a program, in conjunction with the Department of Education, the Department of Children and Family Services, the Agency for Health Care Administration, the Florida Healthy Kids Corporation, local governments, employers, and other stakeholders to identify low-income, uninsured children and, to the extent possible and subject to appropriation, refer them to the Department of Children and Family Services for eligibility determination and provide parents with information about choices of health benefits coverage under the Florida Kidcare program. These activities shall include, but not be limited to: training community providers in effective methods of outreach; conducting public information campaigns designed to publicize the Florida Kidcare program, the eligibility requirements of the program, and the procedures for enrollment in the program; and maintaining public awareness of the Florida Kidcare program. Special emphasis shall be placed on the identification of minority children, *including, but not limited to, Hispanic, Haitian, and African-American children*, for referral to and participation in the Florida Kidcare program.

And the title is amended as follows:

On page 2, lines 5-7, delete those lines and insert: selection process; amending s. 409.819, F.S.; prescribing additional requirements with respect to identifying children for the Florida Kidcare Program;

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendment to be considered:

Senators Peaden and Dockery offered the following amendment which was moved by Senator Peaden and adopted:

Amendment 3 (570386)(with title amendment)—On page 15, line 5 through page 20, line 21, delete those lines and insert:

Section 8. Subsections (3) through (7) of section 624.91, Florida Statutes, are renumbered as subsections (4) through (8), respectively, present subsections (2) and (4) of that section are amended, and a new subsection (3) is added to that section, to read:

624.91 The Florida Healthy Kids Corporation Act.—

(2) LEGISLATIVE INTENT.—

(a) The Legislature finds that increased access to health care services could improve children's health and reduce the incidence and costs of childhood illness and disabilities among children in this state. Many children do not have comprehensive, affordable health care services available. It is the intent of the Legislature that the Florida Healthy Kids Corporation provide comprehensive health insurance coverage to such children. The corporation is encouraged to cooperate with any existing health service programs funded by the public or the private sector ~~and to work cooperatively with the Florida Partnership for School Readiness.~~

(b) It is the intent of the Legislature that the Florida Healthy Kids Corporation serve as one of several providers of services to children eligible for medical assistance under Title XXI of the Social Security Act. Although the corporation may serve other children, the Legislature intends the primary recipients of services provided through the corporation be school-age children with a family income below 200 percent of the federal poverty level, who do not qualify for Medicaid. It is also the intent of the Legislature that state and local government Florida Healthy Kids funds be used to continue ~~and expand~~ coverage, subject to specific appropriations in the General Appropriations Act, to children not eligible for federal matching funds under Title XXI.

(3) **ELIGIBILITY FOR STATE-FUNDED ASSISTANCE.**—*Only the following individuals are eligible for state-funded assistance in paying Florida Healthy Kids premiums:*

(a) *Residents of this state who are eligible for the Florida KidCare program pursuant to s. 409.814.*

(b) *Notwithstanding s. 409.814, legal aliens who are enrolled in the Florida Healthy Kids program as of January 31, 2004, who do not qualify for Title XXI federal funds because they are not qualified aliens as defined in s. 409.811.*

(c) *Notwithstanding s. 409.814, individuals who have attained the age of 19 as of March 31, 2004, who were receiving Florida Healthy Kids benefits prior to the enactment of the Florida KidCare program. This paragraph shall be repealed March 31, 2005.*

(d) *Notwithstanding s. 409.814, state employee dependents who were enrolled in the Florida Healthy Kids program as of January 31, 2004. Such individuals shall remain eligible until January 1, 2005.*

(5)(4) CORPORATION AUTHORIZATION, DUTIES, POWERS.—

(a) There is created the Florida Healthy Kids Corporation, a not-for-profit corporation.

(b) The Florida Healthy Kids Corporation shall:

1. Arrange for the collection of any family, local contributions, or employer payment or premium, in an amount to be determined by the board of directors, to provide for payment of premiums for comprehensive insurance coverage and for the actual or estimated administrative expenses.;

2. Arrange for the collection of any voluntary contributions to provide for payment of premiums for children who are not eligible for medical assistance under Title XXI of the Social Security Act. Each fiscal year, the corporation shall establish a local match policy for the enrollment of non-Title-XXI-eligible children in the Healthy Kids program. By May 1 of each year, the corporation shall provide written notification of the amount to be remitted to the corporation for the following fiscal year under that policy. Local match sources may include, but are not limited to, funds provided by municipalities, counties, school boards, hospitals, health care providers, charitable organizations, special taxing districts, and private organizations. The minimum local match cash contributions required each fiscal year and local match credits shall be determined by the General Appropriations Act. The corporation shall calculate a county's local match rate based upon that county's percentage of the state's total non-Title-XXI expenditures as reported in the corporation's most recently audited financial statement. In awarding the local match credits, the corporation may consider factors including, but not limited to, population density, per capita income, and existing child-health-related expenditures and services.;

3. *Subject to the provisions of s. 409.8134, accept voluntary supplemental local match contributions that comply with the requirements of Title XXI of the Social Security Act for the purpose of providing additional coverage in contributing counties under Title XXI.;*

4. Establish the administrative and accounting procedures for the operation of the corporation.;

5. Establish, with consultation from appropriate professional organizations, standards for preventive health services and providers and comprehensive insurance benefits appropriate to children.;

provided that such standards for rural areas shall not limit primary care providers to board-certified pediatricians.;

6. ~~Determine~~ *Establish eligibility for criteria which children seeking must meet in order to participate in the Title XXI-funded components of the Florida KidCare program consistent with the requirements specified in s. 409.814, as well as the non-Title-XXI-eligible children as provided in subsection (3).;*

7. Establish procedures under which providers of local match to, applicants to and participants in the program may have grievances reviewed by an impartial body and reported to the board of directors of the corporation.;

8. Establish participation criteria and, if appropriate, contract with an authorized insurer, health maintenance organization, or *third-party insurance* administrator to provide administrative services to the corporation.;

9. Establish enrollment criteria which shall include penalties or waiting periods of not fewer than 60 days for reinstatement of coverage upon voluntary cancellation for nonpayment of family premiums.;

~~10. If a space is available, establish a special open enrollment period of 30 days' duration for any child who is enrolled in Medicaid or Medikids if such child loses Medicaid or Medikids eligibility and becomes eligible for the Florida Healthy Kids program;~~

10.11: Contract with authorized insurers or any provider of health care services, meeting standards established by the corporation, for the provision of comprehensive insurance coverage to participants. Such standards shall include criteria under which the corporation may contract with more than one provider of health care services in program sites. Health plans shall be selected through a competitive bid process. *The Florida Healthy Kids Corporation shall purchase goods and services in the most cost-effective manner consistent with the delivery of quality medical care.* The maximum administrative cost for a Florida Healthy Kids Corporation contract shall be 15 percent. The minimum medical loss ratio for a Florida Healthy Kids Corporation contract shall be 85 percent. ~~The selection of health plans shall be based primarily on quality criteria established by the board.~~ The health plan selection criteria and scoring system, and the scoring results, shall be available upon request for inspection after the bids have been awarded.;

11.12: Establish disenrollment criteria in the event local matching funds are insufficient to cover enrollments.;

~~12.13: Develop and implement a plan to publicize the Florida Healthy Kids Corporation, the eligibility requirements of the program, and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program.;~~

13.14: Secure staff necessary to properly administer the corporation. Staff costs shall be funded from state and local matching funds and such other private or public funds as become available. The board of directors shall determine the number of staff members necessary to administer the corporation.;

~~15. As appropriate, enter into contracts with local school boards or other agencies to provide onsite information, enrollment, and other services necessary to the operation of the corporation;~~

14.16: Provide a report annually to the Governor, Chief Financial Officer, Commissioner of Education, Senate President, Speaker of the House of Representatives, and Minority Leaders of the Senate and the House of Representatives.;

~~17. Each fiscal year, establish a maximum number of participants, on a statewide basis, who may enroll in the program; and~~

~~15.18: Establish eligibility criteria, premium and cost-sharing requirements, and benefit packages which conform to the provisions of the Florida KidCare Kidcare program, as created in ss. 409.810-409.820.~~

(c) Coverage under the corporation's program is secondary to any other available private coverage held by, or applicable to, the participant child or family member. *Insurers under contract with the corporation are the payors of last resort and must coordinate benefits with any other third-party payor that may be liable for the participant's medical care.* ~~The corporation may establish procedures for coordinating benefits under this program with benefits under other public and private coverage.~~

(d) The Florida Healthy Kids Corporation shall be a private corporation not for profit, organized pursuant to chapter 617, and shall have all powers necessary to carry out the purposes of this act, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this act.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, lines 8-13, delete those lines and insert: amending s. 624.91, F.S.; removing the requirement for the Florida Healthy Kids Corporation to work with the Florida Partnership for School Readiness; limiting eligibility for state-funded assistance in paying Florida Healthy

Kids premiums; providing for future repeal of certain provisions; providing additional criteria for the corporation to determine eligibility; eliminating authority to establish an open enrollment period; revising the corporation's purchasing criteria; removing a restriction; eliminating authority to contract with certain entities; eliminating authority to establish a maximum number of participants; eliminating authority to establish eligibility criteria or premium and cost-sharing requirements; providing that contracted insurers are the payors of last resort; requiring contracted insurers to coordinate benefits with certain payors;

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendment to be considered:

Senators Peaden and Dockery offered the following amendment which was moved by Senator Peaden:

Amendment 4 (872948)(with title amendment)—On page 20, line 22 through page 21, line 11, delete those lines and insert:

Section 9. *The Auditor General shall provide recommendations to implement mechanisms to prevent enrollment of children in the Florida KidCare program who are ineligible pursuant to the requirements of section 409.814(4), Florida Statutes. Such recommendations shall be reported to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2005.*

Section 10. *The Florida Healthy Kids Corporation shall use existing funds from their operating fund established by section 624.915, Florida Statutes, to contract for an actuarial study on the impact of full-pay enrollees on the cost of services for each Florida KidCare program component.*

Section 11. *The Auditor General shall perform periodic audits through the 2005-2006 fiscal year to ensure that children enrolled in the Florida Healthy Kids program are eligible pursuant to sections 409.814 and 624.91, Florida Statutes. The Auditor General shall have the authority to require and receive from the Florida Healthy Kids Corporation or from its independent auditor any books, accounts, records, or other documentation relating to the corporation. Any contract entered into by the corporation pursuant to section 624.91(4)(b)11. or section 624.91(4)(b)15., Florida Statutes, shall specify that the records of the contractor relating to the contract or its performance must be available for review and audit by the Auditor General.*

Section 12. *The Office of Program Policy Analysis and Government Accountability shall perform a study to determine the appropriate family premium for the Florida KidCare program and submit a report to the President of the Senate and the Speaker of the House of Representatives by January 1, 2005. The report shall set out no fewer than three options and shall make a recommendation as to the appropriate family premium for the Florida KidCare program. Each option shall include a detailed explanation of the analysis that led to the conclusion. A discussion of family premiums collected by Title XXI programs in other states shall be part of the report.*

Section 13. Subsection (2) of section 409.818, Florida Statutes, is amended to read:

409.818 Administration.—In order to implement ss. 409.810-409.820, the following agencies shall have the following duties:

(2) The Department of Health shall:

(a) Design an eligibility intake process for the program, in coordination with the Department of Children and Family Services, the agency, and the Florida Healthy Kids Corporation. The eligibility intake process may include local intake points that are determined by the Department of Health in coordination with the Department of Children and Family Services.

~~(b) Design and implement program outreach activities under s. 409.819.~~

(b)(e) Chair a state-level coordinating council to review and make recommendations concerning the implementation and operation of the program. The coordinating council shall include representatives from the department, the Department of Children and Family Services, the

agency, the Florida Healthy Kids Corporation, the Office of Insurance Regulation of the Financial Services Commission, local government, health insurers, health maintenance organizations, health care providers, families participating in the program, and organizations representing low-income families.

~~(c)(d)~~ In consultation with the Florida Healthy Kids Corporation and the Department of Children and Family Services, ~~establish~~ ~~establishing~~ a toll-free telephone line to assist families with questions about the program.

(d)(e) Adopt rules necessary to implement outreach activities.

Section 14. *Section 409.819, Florida Statutes, is repealed.*

Section 15. *The sums of \$6,566,073 from the General Revenue Fund, \$454,687 from the Grants and Donations Trust Fund, and \$16,272,440 from the Medical Care Trust Fund are appropriated to the Agency for Health Care Administration, and the sum of \$1,984,113 is appropriated from the Donations Trust Fund to the Department of Health, for the 2003-2004 fiscal year for the purpose of serving children on whose behalf applications are submitted to the Florida KidCare program as of January 30, 2004, and who are determined to be eligible for program components funded under Title XXI of the Social Security Act.*

Section 16. Except as otherwise provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 2, lines 13-18, delete those lines and insert: deleting obsolete provisions; requiring the Auditor General to provide recommendations to prevent enrollment of ineligible children in the Florida KidCare program and report such recommendations to the Governor and Legislature; requiring the Florida Healthy Kids Corporation to use certain funds to contract for an actuarial study; requiring the Auditor General to perform audits to ensure the eligibility of children enrolled in the Florida Healthy Kids program; authorizing the Auditor General to require and receive any books, accounts, records, or other documentation relating to the Florida Healthy Kids Corporation; requiring the Office of Program Policy Analysis and Government Accountability to perform a study to determine the appropriate family premium for the Florida KidCare program and report its findings to the Legislature; amending s. 409.818, F.S.; deleting a cross-reference; repealing s. 409.819, F.S., relating to a program identifying low-income, uninsured children for certain purposes; providing appropriations; providing effective dates.

MOTION

On motion by Senator Siplin, the rules were waived to allow the following amendment to be considered:

Senator Siplin moved the following amendment to **Amendment 4** which failed:

Amendment 4A (880524)(with title amendment)—On page 3, lines 23 and 24, delete those lines and insert:

Section 14. Section 409.819, Florida Statutes, is amended to read:

409.819 Identification of low-income, uninsured children; determination of eligibility for the Florida Kidcare program; alternative health care information.—The Department of Health shall develop a program, in conjunction with the Department of Education, the Department of Children and Family Services, the Agency for Health Care Administration, the Florida Healthy Kids Corporation, local governments, employers, and other stakeholders to identify low-income, uninsured children and, to the extent possible and subject to appropriation, refer them to the Department of Children and Family Services for eligibility determination and provide parents with information about choices of health benefits coverage under the Florida Kidcare program. These activities shall include, but not be limited to: training community providers in effective methods of outreach; conducting public information campaigns designed to publicize the Florida Kidcare program, the eligibility requirements of the program, and the procedures for enrollment in the program; and maintaining public awareness of the Florida Kidcare program. Special emphasis shall be placed on the identification of minority children, *including, but not limited to, Hispanic, Haitian, and African-American children*, for referral to and participation in the Florida Kidcare program.

And the title is amended as follows:

On page 5, lines 3-7, delete those lines and insert: cross-reference; amending s. 409.819, F.S.; prescribing additional requirements with respect to identifying children for the Florida Kidcare Program;

The vote was:

Yeas—14

Aronberg	Hill	Siplin
Bullard	Klein	Smith
Campbell	Lawson	Wasserman Schultz
Dawson	Margolis	Wilson
Geller	Miller	

Nays—26

Mr. President	Crist	Peaden
Alexander	Diaz de la Portilla	Posey
Argenziano	Dockery	Pruitt
Atwater	Fasano	Saunders
Bennett	Garcia	Sebesta
Carlton	Haridopolos	Villalobos
Clary	Jones	Webster
Constantine	Lee	Wise
Cowin	Lynn	

The question recurred on **Amendment 4** which was adopted.

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendment to be considered:

Senators Peaden and Dockery offered the following amendment which was moved by Senator Peaden:

Amendment 5 (190726)(with title amendment)—On page 2, line 22 through page 15, line 4, delete those lines and insert:

Section 1. Subsections (14) through (22) of section 409.811, Florida Statutes, are renumbered as subsections (15) through (23), respectively, present subsection (23) of that section is amended, and a new subsection (14) is added to that section, to read:

409.811 Definitions relating to Florida KidCare Kidcare Act.—As used in ss. 409.810-409.820, the term:

(14) “Florida KidCare program,” “KidCare program,” or “program” means the health benefits program administered through ss. 409.810-409.820.

(23) “Program” means the Florida Kidcare program, the medical assistance program authorized by Title XXI of the Social Security Act as part of the federal Balanced Budget Act of 1997.

Section 2. Subsections (7), (8), and (9) of section 409.8132, Florida Statutes, are amended to read:

409.8132 Medikids program component.—

(7) ENROLLMENT.—Enrollment in the Medikids program component may only occur during periodic open enrollment periods as specified in s. 409.8134 by the agency. An applicant may apply for enrollment in the Medikids program component and proceed through the eligibility determination process at any time throughout the year. However, enrollment in Medikids shall not begin until the next open enrollment period; and A child may not receive services under the Medikids program until the child is enrolled in a managed care plan or MediPass. In addition, Once determined eligible, an applicant may receive choice counseling and select a managed care plan or MediPass. The agency may initiate mandatory assignment for a Medikids applicant who has not chosen a managed care plan or MediPass provider after the applicant’s voluntary choice period ends. An applicant may select MediPass under the Medikids program component only in counties that have fewer than two managed care plans available to serve Medicaid recipients and only if the federal Health Care Financing Administration determines that MediPass constitutes “health insurance coverage” as defined in Title XXI of the Social Security Act.

(8) ~~SPECIAL ENROLLMENT PERIODS.~~—The agency shall establish a special enrollment period of 30 days’ duration for any child who is enrolled in Medicaid if such child loses Medicaid eligibility and becomes eligible for Medikids, or for any child who is enrolled in Medikids if such child moves to another county that is not within the coverage area of the child’s Medikids managed care plan or MediPass provider.

(8)(9) PENALTIES FOR VOLUNTARY CANCELLATION.—The agency shall establish enrollment criteria that must include penalties or waiting periods of not fewer than 60 days for reinstatement of coverage upon voluntary cancellation for nonpayment of premiums.

Section 3. Section 409.8134, Florida Statutes, is amended to read:

409.8134 Program enrollment and expenditure ceilings.—

(1) Except for the Medicaid program, a ceiling shall be placed on annual federal and state expenditures and on enrollment in the Florida KidCare Kidcare program as provided each year in the General Appropriations Act. The agency, in consultation with the Department of Health, may propose to increase the enrollment ceiling in accordance with chapter 216.

(2) Upon a unanimous recommendation by representatives from each of the four Florida KidCare administrators, the Florida KidCare program may conduct an open enrollment period for the purpose of enrolling children eligible for all program components listed in s. 409.813 except Medicaid. The four Florida KidCare administrators shall work together to ensure that the open enrollment period is announced statewide at least 1 month before the open enrollment is to begin. Eligible children shall be enrolled on a first-come, first-served basis using the date the open enrollment application is received. The potential open enrollment periods shall be January 1st through January 30th and September 1st through September 30th. Open enrollment shall immediately cease when the enrollment ceiling is reached. An open enrollment shall only be held if the Social Services Estimating Conference determines that sufficient federal and state funds will be available to finance the increased enrollment through federal fiscal year 2007. Any individual who is not enrolled, including those added to the waiting list after January 30, 2004, must reapply by submitting a new application during the next open enrollment period. However, the Children’s Medical Services Network may annually enroll up to 120 additional children based on emergency disability criteria outside of the open enrollment periods and the cost of serving these children must be managed within the KidCare program’s appropriated or authorized levels of funding. Except for the Medicaid program, whenever the Social Services Estimating Conference determines that there is presently, or will be by the end of the current fiscal year, insufficient funds to finance the current or projected enrollment in the Florida Kidcare program, all additional enrollment must cease and additional enrollment may not resume until sufficient funds are available to finance such enrollment.

(3) Upon determination by the Social Services Estimating Conference that there are insufficient funds to finance the current enrollment in the Florida KidCare program within current appropriations, the program shall initiate disenrollment procedures to remove enrollees, except those children enrolled in the Children’s Medical Services network, on a last-in, first-out basis until the expenditure and appropriation levels are balanced.

(4)(3) The agencies that administer the Florida KidCare Kidcare program components shall collect and analyze the data needed to project Florida Kidcare program enrollment costs, including price level adjustments outreach impacts, participation and attrition rates, current and projected caseloads, utilization, and current and projected expenditures for the next 3 years. The agencies shall report the caseload and expenditure trends to the Social Services Estimating Conference in accordance with chapter 216.

Section 4. Effective July 1, 2004, section 409.814, Florida Statutes, is amended to read:

409.814 Eligibility.—A child who has not reached 19 years of age whose family income is equal to or below 200 percent of the federal poverty level is eligible for the Florida KidCare Kidcare program as provided in this section. In determining the eligibility of such a child, an assets test is not required. An applicant under 19 years of age who, based on a complete application, appears to be eligible for the Medicaid component of the Florida Kidcare program is presumed eligible for coverage

under Medicaid, subject to federal rules. A child who has been deemed presumptively eligible for Medicaid shall not be enrolled in a managed care plan until the child's full eligibility determination for Medicaid has been completed. The Florida Healthy Kids Corporation may, subject to compliance with applicable requirements of the Agency for Health Care Administration and the Department of Children and Family Services, be designated as an entity to conduct presumptive eligibility determinations. An applicant under 19 years of age who, based on a complete application, appears to be eligible for the Medikids, Florida Healthy Kids, or Children's Medical Services network program component, who is screened as ineligible for Medicaid and prior to the monthly verification of the applicant's enrollment in Medicaid or of eligibility for coverage under the state employee health benefit plan, may be enrolled in and begin receiving coverage from the appropriate program component on the first day of the month following the receipt of a completed application. For enrollment in the Children's Medical Services network, a complete application includes the medical or behavioral health screening. If, subsequently after verification, an individual is determined to be ineligible for coverage, he or she must immediately be disenrolled from the respective Florida KidCare Title XXI-funded KidCare program component.

(1) A child who is eligible for Medicaid coverage under s. 409.903 or s. 409.904 must be enrolled in Medicaid and is not eligible to receive health benefits under any other health benefits coverage authorized under the Florida KidCare program ss. 409.810-409.820.

(2) A child who is not eligible for Medicaid, but who is eligible for the Florida KidCare KidCare program, may obtain health benefits coverage under any of the other components listed in s. 409.813 types of health benefits coverage authorized in ss. 409.810-409.820 if such coverage is approved and available in the county in which the child resides. However, a child who is eligible for Medikids may participate in the Florida Healthy Kids program only if the child has a sibling participating in the Florida Healthy Kids program and the child's county of residence permits such enrollment.

(3) A child who is eligible for the Florida KidCare KidCare program who is a child with special health care needs, as determined through a medical or behavioral screening instrument, is eligible for health benefits coverage from and shall be referred to the Children's Medical Services network.

(4) The following children are not eligible to receive premium assistance for health benefits coverage under the Florida KidCare program ss. 409.810-409.820, except under Medicaid if the child would have been eligible for Medicaid under s. 409.903 or s. 409.904 as of June 1, 1997:

(a) A child who is eligible for coverage under a state health benefit plan on the basis of a family member's employment with a public agency in the state.

(b) A child who is currently eligible for or covered under a family member's group health benefit plan or under other employer health insurance coverage, excluding coverage provided under the Florida Healthy Kids Corporation as established under s. 624.91, provided that the cost of the child's participation is not greater than 5 percent of the family's income. This provision shall be applied during redetermination for children who were enrolled prior to July 1, 2004. These enrollees shall have 6 months of eligibility following redetermination to allow for a transition to the other health benefit plan.

(c) A child who is seeking premium assistance for the Florida KidCare program through employer-sponsored group coverage, if the child has been covered by the same employer's group coverage during the 6 months prior to the family's submitting an application for determination of eligibility under the Florida KidCare program.

(d) A child who is an alien, but who does not meet the definition of qualified alien, in the United States.

(e) A child who is an inmate of a public institution or a patient in an institution for mental diseases.

(f) A child who has had his or her coverage in an employer-sponsored health benefit plan voluntarily canceled in the last 6 months, except those children who were on the waiting list prior to January 31, 2004.

(5) A child whose family income is above 200 percent of the federal poverty level or a child who is excluded under the provisions of subsection (4) may participate in the Florida KidCare KidCare program, excluding the Medicaid program, but is subject to the following provisions:

(a) The family is not eligible for premium assistance payments and must pay the full cost of the premium, including any administrative costs.

(b) The agency is authorized to place limits on enrollment in Medikids by these children in order to avoid adverse selection. The number of children participating in Medikids whose family income exceeds 200 percent of the federal poverty level must not exceed 10 percent of total enrollees in the Medikids program.

(c) The board of directors of the Florida Healthy Kids Corporation is authorized to place limits on enrollment of these children in order to avoid adverse selection. In addition, the board is authorized to offer a reduced benefit package to these children in order to limit program costs for such families. The number of children participating in the Florida Healthy Kids program whose family income exceeds 200 percent of the federal poverty level must not exceed 10 percent of total enrollees in the Florida Healthy Kids program.

(d) Children described in this subsection are not counted in the annual enrollment ceiling for the Florida KidCare KidCare program.

(6) Once a child is enrolled in the Florida KidCare KidCare program, the child is eligible for coverage under the program for 6 months without a redetermination or reverification of eligibility, if the family continues to pay the applicable premium. Eligibility for program components funded through Title XXI of the Social Security Act shall terminate when a child attains the age of 19. Effective January 1, 1999, a child who has not attained the age of 5 and who has been determined eligible for the Medicaid program is eligible for coverage for 12 months without a redetermination or reverification of eligibility.

(7) When determining or reviewing a child's eligibility under the Florida KidCare program, the applicant shall be provided with reasonable notice of changes in eligibility which may affect enrollment in one or more of the program components. When a transition from one program component to another is authorized appropriate, there shall be cooperation between the program components and the affected family which promotes continuity of health care coverage. Any authorized transfers must be managed within the program's overall appropriated or authorized levels of funding. Each component of the program shall establish a reserve to ensure that transfers between components will be accomplished within current year appropriations. These reserves shall be reviewed by each convening of the Social Services Estimating Conference to determine the adequacy of such reserves to meet actual experience.

(8) In determining the eligibility of a child, an assets test is not required. Each applicant shall provide written documentation during the application process and the redetermination process, including, but not limited to, the following:

(a) Proof of family income.

(b) A statement from all family members that:

1. Their employer does not sponsor a health benefit plan for employees; or

2. The potential enrollee is not covered by the employer-sponsored health benefit plan because the potential enrollee is not eligible for coverage, or, if the potential enrollee is eligible but not covered, a statement of the cost to enroll the potential enrollee in the employer-sponsored health benefit plan.

(9) Subject to paragraph (4)(b) and s. 624.91(3), the Florida KidCare program shall withhold benefits from an enrollee if the program obtains evidence that the enrollee is no longer eligible, submitted incorrect or fraudulent information in order to establish eligibility, or failed to provide verification of eligibility. The applicant or enrollee shall be notified that because of such evidence program benefits will be withheld unless the applicant or enrollee contacts a designated representative of the program by a specified date, which must be within 10 days after the date of notice, to discuss and resolve the matter. The program shall make every effort to resolve the matter within a timeframe that will not cause benefits to be withheld from an eligible enrollee.

(10) *The following individuals may be subject to prosecution in accordance with s. 414.39:*

(a) *An applicant obtaining or attempting to obtain benefits for a potential enrollee under the Florida KidCare program when the applicant knows or should have known the potential enrollee does not qualify for the Florida KidCare program.*

(b) *An individual who assists an applicant in obtaining or attempting to obtain benefits for a potential enrollee under the Florida KidCare program when the individual knows or should have known the potential enrollee does not qualify for the Florida KidCare program.*

Section 5. Effective July 1, 2004, paragraph (q) of subsection (2) of section 409.815, Florida Statutes, is amended to read:

409.815 Health benefits coverage; limitations.—

(2) BENCHMARK BENEFITS.—In order for health benefits coverage to qualify for premium assistance payments for an eligible child under ss. 409.810-409.820, the health benefits coverage, except for coverage under Medicaid and Medikids, must include the following minimum benefits, as medically necessary.

(q) Dental services.—*Dental services shall be covered and may services include those dental benefits services provided to children by the Florida Medicaid program under s. 409.906(6) s. 409.906(5) up to a maximum benefit of \$750 per enrollee per year.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2 through page 2, line 7, delete those lines and insert: An act relating to the Florida KidCare program; amending s. 409.811, F.S.; defining the term “Florida KidCare program”; deleting a definition to conform; amending s. 409.8132, F.S.; limiting when an applicant may apply for Medikids program enrollment; deleting a special enrollment period provision; amending s. 409.8134, F.S.; eliminating the Agency for Health Care Administration’s ability to request an increase in the Florida KidCare program enrollment ceiling; providing for open enrollment periods; providing a timeframe for statewide announcement of open enrollment periods; providing for the enrollment of certain children on an emergency basis; providing limitations; providing a disenrollment process under certain circumstances; providing additional data for certain agencies to collect and analyze; amending s. 409.814, F.S.; revising Florida KidCare program eligibility criteria; limiting coverage; providing an exception for certain children otherwise eligible or covered under a family member’s employer health coverage; restricting enrollment of children whose coverage was voluntarily canceled; providing an age limitation for certain components; requiring certain transfers to be managed within authorized levels of funding; requiring certain reserves to be established and reviewed; requiring each applicant to provide certain documentation; requiring the program to withhold benefits from certain enrollees; providing additional fraudulent activities; amending s. 409.815, F.S.; revising coverage requirements for dental services;

MOTION

On motion by Senator Dawson, the rules were waived to allow the following amendment to be considered:

Senator Dawson moved the following amendment to **Amendment 5** which failed:

Amendment 5A (940442)(with title amendment)—On page 11, lines 1-15, delete those lines

And the title is amended as follows:

On page 12, lines 29 and 30, delete those lines

The question recurred on **Amendment 5** which was adopted.

Pursuant to Rule 4.19, **CS for SB 2000** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

REPORTS OF COMMITTEES

The Committee on Natural Resources recommends the following pass: SB 2364

The bill was referred to the Committee on Appropriations under the original reference.

The Committee on Judiciary recommends the following pass: CS for SB 156

The bill was referred to the Appropriations Subcommittee on Transportation and Economic Development under the original reference.

The Committee on Comprehensive Planning recommends the following pass: SB 1860 with 3 amendments, SB 2028 with 1 amendment

The bills were referred to the Committee on Commerce, Economic Opportunities, and Consumer Services under the original reference.

The Committee on Judiciary recommends the following pass: SB 226

The bill was referred to the Committee on Comprehensive Planning under the original reference.

The Committee on Judiciary recommends the following pass: SB 1776

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Comprehensive Planning recommends the following pass: SB 1738 with 1 amendment

The bill was referred to the Committee on Finance and Taxation under the original reference.

The Committee on Comprehensive Planning recommends the following pass: CS for SB 684 with 1 amendment

The bill was referred to the Committee on Judiciary under the original reference.

The Committee on Comprehensive Planning recommends the following pass: SB 1728, SB 1938 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 1986

The bills contained in the foregoing reports were referred to the Committee on Regulated Industries under the original reference.

The Committee on Judiciary recommends the following pass: CS for SB 1608

The Committee on Natural Resources recommends the following pass: CS for CS for SB 1156 with 5 amendments

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Natural Resources recommends a committee substitute for the following: SB 1404

The bill with committee substitute attached was referred to the Committee on Comprehensive Planning under the original reference.

The Committee on Natural Resources recommends a committee substitute for the following: SB 1714

The bill with committee substitute attached was referred to the Committee on Governmental Oversight and Productivity under the original reference.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Geller—

SB 2180—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public-records requirements; providing for the confidentiality of personal identifying information contained in records of current or former county attorneys, assistant county attorneys, municipal attorneys, and assistant municipal attorneys responsible for prosecuting violations of local codes and ordinances, and the spouses and children of those attorneys; providing for future repeal and legislative review under the Open Government Sunset Review Act of 1995; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Lynn—

SB 2182—A bill to be entitled An act relating to tax credits for hiring a person who has a disability; creating ss. 212.099 and 220.193, F.S.; authorizing credits against the sales and use tax and the corporate income tax for hiring a person who has a disability; providing conditions and procedures for receiving the tax credit; authorizing rulemaking by the Department of Revenue and the Department of Education; providing penalties; providing for expiration of the provisions; amending s. 220.02, F.S.; providing legislative intent on the order in which to claim the credit against corporate income tax; amending s. 220.13, F.S.; providing for adjustments to taxable income to account for the credit against corporate income tax; providing an effective date.

—was referred to the Committees on Commerce, Economic Opportunities, and Consumer Services; Education; Criminal Justice; Finance and Taxation; Appropriations Subcommittee on Education; and Appropriations.

By Senator Miller—

SB 2184—A bill to be entitled An act relating to student achievement; creating s. 1007.35, F.S.; providing a short title; providing legislative intent; creating the Florida Partnership for Minority and Underrepresented Student Achievement; providing purposes and duties of the partnership; providing duties of the Department of Education and The College Board; requiring the partnership to submit an annual evaluation report to the department; providing for funding the partnership; authorizing the State Board of Education to adopt rules; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Geller—

SB 2186—A bill to be entitled An act relating to medical malpractice insurance; creating the Florida Medical Malpractice Insurance Fund;

providing the purpose of the fund; providing for governance by a board of governors; requiring the board to submit a plan of operation for approval by the Office of Insurance Regulation; providing investment requirements; authorizing the board to employ staff and other professionals; providing immunity from liability for members of the board, its agents, and employees of the state; providing for the fund to issue medical malpractice policies to any physician regardless of specialty; providing requirements for premium rates; providing for the tax-exempt status of the fund; requiring the Financial Services Commission to seek an opinion from the Internal Revenue Service; providing for initial capitalization; authorizing the Financial Services Commission to adopt rules; providing for termination of the fund; requiring practitioners licensed under ch. 458 or ch. 459, F.S., to obtain and maintain professional liability coverage of a specified amount as a condition of licensure; providing certain exceptions; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health, Aging, and Long-Term Care; Governmental Oversight and Productivity; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on Comprehensive Planning—

SB 2188—A bill to be entitled An act relating to land development; amending s. 197.502, F.S.; providing for the issuance of an escheatment tax deed that is free and clear of any tax certificates, accrued taxes, and liens of any nature for certain properties; providing immunity for a county from environmental liability for certain properties that escheat to the county; providing for a written agreement between a county and the Department of Environmental Protection which addresses any investigative and remedial acts necessary for certain properties; amending s. 163.3177, F.S.; providing legislative findings regarding mixed-use, high-density urban infill and redevelopment projects; requiring the Department of Community Affairs to provide technical assistance to local governments, including a model ordinance; providing legislative findings regarding a program for the transfer of development rights and urban infill and redevelopment; requiring the Department of Community Affairs to provide technical assistance to local governments, including a model ordinance; providing legislative findings with respect to the shortage of affordable rentals in the state; providing a statement of important public purpose; providing definitions; authorizing local governments to permit accessory dwelling units in areas zoned for single-family residential use based upon certain findings; providing for certain accessory dwelling units to apply towards satisfying the affordable housing component of the housing element in a local government's comprehensive plan; requiring the Department of Community Affairs to report to the Legislature; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Judiciary; Finance and Taxation; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

By Senator Bennett—

SB 2190—A bill to be entitled An act relating to public records and meetings; creating an exemption from public records and public meetings requirements for certain information held by the Florida Alternative Energy Technology Center; exempting specified information relating to the recruitment of a business to locate in Florida and proprietary business information from public records requirements; exempting the identity of donors or potential donors from public records requirements; creating an exemption from disclosure for information that is confidential in the possession of the person providing it; creating an exemption from public meetings requirements for meetings of the governing board of directors of the Florida Alternative Energy Technology Center at which confidential records are presented or discussed; authorizing access to exempt or confidential information under specified circumstances; providing a penalty; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Communication and Public Utilities; Natural Resources; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Fasano—

SB 2192—A bill to be entitled An act relating to child sexual abuse reporting and evidence collection; providing definitions; requiring health care practitioners, personnel of abortion clinics or abortion referral or counseling agencies, and other specified persons to report the pregnancy of a child under 16 years of age to certain law enforcement agencies under certain circumstances; requiring a health care practitioner who performs an abortion on a child under 16 years of age to collect and preserve specified samples of deoxyribonucleic acid (DNA) from such child and the fetus; providing for the forwarding of such samples to the Department of Law Enforcement; providing for testing to identify or confirm the identity of the person responsible for impregnating the child; providing for the use of such evidence in certain criminal and civil proceedings; providing criminal penalties; providing for a mandatory minimum term of incarceration for subsequent violations; authorizing the Department of Health to revoke, suspend, or deny renewal of the license of a health care practitioner or abortion clinic for a specified time in certain circumstances; providing applicability; providing for the abrogation of the privileged quality of communications in certain circumstances; authorizing the Department of Law Enforcement to adopt rules; providing an effective date.

—was referred to the Committees on Children and Families; Health, Aging, and Long-Term Care; Judiciary; Criminal Justice; Appropriations Subcommittee on Criminal Justice; Appropriations; and Rules and Calendar.

By Senator Fasano—

SB 2194—A bill to be entitled An act relating to long-term care; amending s. 430.205, F.S.; requiring the Department of Elderly Affairs to develop a model service system to transfer services provided to persons 60 years of age or older into a managed, integrated long-term-care delivery system; requiring the service system to be supervised by a single resource center on aging in each service area; providing responsibilities for a resource center on aging; directing the department to supervise each resource center on aging; requiring a local service area choosing to become a model service area to submit a request for approval from the department; setting a deadline for applications for approval; establishing criteria for departmental approvals; establishing duties of service providers in the model service area; authorizing the department and the Agency for Health Care Administration to develop capitation rates for certain long-term-care service packages; authorizing future negotiations for additional capitation rates; directing the department to conduct or contract for an evaluation of the model delivery system; requiring the evaluation to report on integrating additional services into the model delivery system; requiring the evaluation report to be submitted to the Governor and Legislature by a certain date; providing an effective date.

—was referred to the Committees on Children and Families; Health, Aging, and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Geller—

SB 2196—A bill to be entitled An act relating to insurance payments from escrow accounts; amending s. 501.137, F.S.; requiring an insurer to reinstate, under certain circumstances, an insurance policy that is cancelled due to failure of the lender to pay a premium for which sufficient escrow funds are on deposit; requiring that the lender reimburse the property owner for any penalties or fees paid for purposes of reinstating the policy; requiring the lender to pay the increased cost of insurance premiums for a specified period of time under certain conditions; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Senator Saunders—

SB 2198—A bill to be entitled An act relating to homestead exemption; amending s. 196.131, F.S.; providing a value-based sliding scale of

criminal penalties for claiming homestead exemption if the funds for the homestead were unlawfully obtained through the performance of a fraudulent act; providing an effective date.

—was referred to the Committees on Criminal Justice; Finance and Taxation; Appropriations Subcommittee on Criminal Justice; and Appropriations.

By Senator Lawson—

SB 2200—A bill to be entitled An act relating to environmental permits for roads and bridges; amending s. 403.813, F.S.; granting road or bridge projects within the Suwannee River Water Management District the same exemption from permitting requirements granted a project to repair, stabilize, or pave a county-maintained road or to repair or replace a bridge in the North Florida Water Management District if the project meets certain conditions; removing a requirement that the Department of Environmental Protection evaluate and make recommendations regarding statewide application of the permitting exemption granted within the Northwest Florida Water Management District; requiring the department to initiate rulemaking to apply statewide the exemption from certain permitting requirements granted to the North Florida Water Management District; providing an effective date.

—was referred to the Committees on Natural Resources; and Transportation.

By Senator Miller—

SB 2202—A bill to be entitled An act relating to the Florida Childhood Lead Poisoning Reduction Act; providing a popular name; creating the “Florida Childhood Lead Poisoning Reduction Act”; providing legislative findings; providing legislative purposes of the act; providing for a Director of Lead Poisoning Prevention; providing duties and responsibilities of the director; providing for a Lead Poisoning Prevention Coordinating Council; providing membership of the council; providing for the establishment of a statewide program for the prevention, screening, diagnosis, and treatment of lead poisoning; providing for a Lead Poisoning Prevention Commission; providing for membership and duties of the commission; providing criteria for lead-free and lead-safe property status; providing notice requirements when an owner of an affected property intends to make repairs to or perform specified maintenance work on an affected property; providing requirements and procedures with respect to access to and vacation of affected properties; providing for voluntary inspection of affected properties; requiring the Lead Poisoning Prevention Commission to develop a proposal for the implementation of mandatory inspections of all affected properties or to develop alternative measures of enforcement and penalties to ensure compliance with lead-free or lead-safe standards by a specified date; providing for involuntary inspections under specified circumstances; providing for inspection reports; providing for accreditation of persons performing lead-hazard-reduction activities; providing for accreditation of persons performing inspections; providing for duration of accreditation; providing registration fees for persons performing lead-hazard abatement and persons performing inspections; providing for deposit of fees; providing for enforcement; providing requirements for immunity from civil liability for injuries or damages resulting from the ingestion of lead; providing exceptions to immunity; providing requirements with respect to documentation and notification of injury; providing procedure and requirements with respect to a qualified offer; providing for maximum amounts payable under a qualified offer; providing for certification of compliance with respect to a qualified offer; providing for presumption of negligence in actions against property owners not in compliance; providing for enforcement of the act; providing for reporting of enforcement actions; providing for receivership of properties not meeting certain standards; providing for injunctive relief; providing for notice of intent to seek injunctive relief; providing for recovery of costs and attorney’s fees; prohibiting retaliatory evictions; defining “retaliatory action”; providing for relief for retaliatory eviction and retaliatory action; providing for the establishment of a statewide comprehensive educational program; providing for a public information initiative; providing for distribution of specified literature; providing for a Lead Poisoning Prevention for Properties seminar; requiring the establishment of a program for early identification of persons at risk of elevated levels of lead in the blood; providing for screening of children; providing for screening priorities; providing

for the maintenance of records of screenings; providing for reporting of cases of lead poisoning; providing definitions; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Judiciary; Comprehensive Planning; Governmental Oversight and Productivity; Finance and Taxation; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Lawson—

SB 2204—A bill to be entitled An act relating to the retiree health insurance subsidy; amending s. 112.363, F.S.; increasing the minimum and maximum health insurance subsidies; increasing the contribution paid by employers of members in state-administered retirement plans; providing legislative findings; providing effective dates.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Peadar—

SB 2206—A bill to be entitled An act relating to electronic medical records; creating the Statewide Electronic Medical Records Advisory Panel to advise the Agency for Health Care Administration in developing policies relating to electronic medical records; requiring the Governor to appoint members to the advisory panel; requiring quarterly meetings; authorizing per diem reimbursement for members of the advisory panel; requiring the agency to provide personnel support to the advisory panel; authorizing the agency to enter into contracts; requiring that certain issues be studied by the advisory panel; requiring the advisory panel to issue an annual report; providing for the contents of any implementation plan proposed by the advisory panel; providing for expiration of the panel; providing an appropriation; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Wilson—

SB 2208—A bill to be entitled An act relating to family day care homes; creating s. 402.31302, F.S.; providing that no deed restrictions, covenants, or similar binding agreements running with the land shall prohibit the use of a residential dwelling as a family day care home; providing exceptions; providing for a burden of proof; providing legislative intent; providing an effective date.

—was referred to the Committees on Children and Families; Comprehensive Planning; Judiciary; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senators Dawson, Wilson and Miller—

SB 2210—A bill to be entitled An act relating to leaving children unattended or unsupervised in a motor vehicle; amending s. 316.6135, F.S.; revising the elements of the noncriminal infraction to prohibit leaving a child younger than a specified age unattended or unsupervised in a motor vehicle for any period of time; increasing a penalty and providing additional penalties; providing an effective date.

—was referred to the Committees on Children and Families; Criminal Justice; and Finance and Taxation.

By Senator Jones—

SB 2212—A bill to be entitled An act relating to community college student fees; amending s. 1009.23, F.S.; revising the amount of the fee

for capital improvements, technology enhancements, or equipping student buildings; revising the allocation for certain child care centers; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Lynn—

SB 2214—A bill to be entitled An act relating to license plates; amending s. 320.08053, F.S.; revising requirements for establishing a specialty license plate; requiring submission of a sample plate; requiring a certain number of plates to be sold prior to seeking legislative approval; providing for collection of the use fee for the proposed plate in the local tax collector's office; providing for retention of presale amounts by the Department of Highway Safety and Motor Vehicles to offset costs; providing for refund of annual use fees in the event a proposed specialty license plate is not approved by law; requiring the department to adopt rules relating to design specifications for specialty license plates; amending s. 320.08056, F.S.; revising provisions for the issuance of specialty license plates; revising design requirements; revising the retention and distribution requirements for annual use fees; revising conditions and procedures for discontinuation of specialty license plates; amending s. 320.08062, F.S.; revising provisions for audits and attestations required of entities receiving specialty license plate annual use fees; requiring all state agencies and organizations receiving use fee proceeds to make annual attestations; providing for form and content of attestations; amending s. 320.20, F.S.; providing for a portion of license tax revenue to be deposited into the Highway Safety Operating Trust Fund for certain purposes; requiring the department, in cooperation with local tax collectors and the Prison Rehabilitative Industries and Diversified Enterprises, Inc., to study the possibility of using direct-to-customer distribution; requiring an analysis of the impact of certain technologies; requiring the department to report its findings to the Legislature; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Productivity; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

By Senator Jones—

SB 2216—A bill to be entitled An act relating to public health care; amending s. 381.0012, F.S.; expanding the environmental health enforcement authority of the Department of Health; authorizing the department to issue citations or order payment of fines; providing requirements and limitations; providing a criminal penalty; providing for deposit and use of fines; amending s. 381.004, F.S.; providing additional criteria for release of HIV preliminary test results; amending s. 381.006, F.S.; establishing permitting procedures for group care facilities; providing requirements and limitations; providing for fees; providing fee limitations; providing authority to the department to take adverse action on permits under certain circumstances; amending s. 381.0065, F.S.; modifying standards for rulemaking applicable to regulation of onsite sewage treatment and disposal systems; revising research award qualifications; providing for an extended right of entry; amending s. 381.0101, F.S.; revising definitions; revising environmental health professional certification requirements; clarifying exemptions; creating s. 381.104, F.S.; creating an employee health and wellness program; providing requirements; authorizing state agencies to undertake certain activities relating to agency resources for program purposes; requiring each participating agency to make an annual report; providing duties of the department; amending s. 384.25, F.S.; revising reporting requirements for sexually transmissible diseases; authorizing the department to adopt rules; amending s. 384.31, F.S.; revising sexually transmissible disease testing requirements for pregnant women; providing notice requirements; creating s. 385.104, F.S.; establishing the Health Promotion and Health Education Statewide Initiative for certain purposes; providing requirements; authorizing the department to award funding to county health departments for certain purposes; providing funding requirements; providing participation requirements for county health departments; creating s. 458.3215, F.S.; providing for reactivation of licenses of certain physicians for certain limited purposes; providing for a reactivation fee; amending s. 945.601, F.S.; revising a cross-reference, to con-

form; creating s. 945.6038, F.S.; authorizing the State of Florida Correctional Medical Authority to enter into agreements with other state agencies to provide additional medical services; providing a limitation; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Margolis—

SB 2218—A bill to be entitled An act relating to tax administration; amending s. 198.32, F.S.; allowing the personal representative of an estate that is not subject to tax under ch. 198, F.S., to execute an affidavit attesting that the estate is not taxable; amending s. 199.135, F.S.; providing for taxation of sales of timeshare interests in timeshare plans; amending s. 201.02, F.S.; providing special provisions for the tax on deeds and other instruments relating to real property or interests in real property as applied to the sales of timeshare interests in timeshare plans; amending s. 201.08, F.S.; providing special provisions for the tax on notes as applied to the sales of timeshare interests in timeshare plans; amending s. 202.11, F.S.; expanding the definition of the term “service address”; amending s. 212.12, F.S.; providing that a person who willfully attempts in any manner to evade or defeat a tax or fee imposed under ch. 212, F.S., commits a felony of the third degree; providing an additional penalty; amending s. 213.21, F.S.; providing that taxes imposed under ss. 124.0104 and 125.0108, F.S., qualify for the automatic penalty compromise or settlement provided for in that section; providing an exception; providing for retroactivity; creating s. 213.758, F.S.; providing the Department of Revenue direction for the retention and destruction of unclaimed evidence; providing for rulemaking; providing effective dates.

—was referred to the Committees on Judiciary; Comprehensive Planning; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Jones—

SB 2220—A bill to be entitled An act relating to educational facilities; creating s. 1013.101, F.S.; allowing the use of school board property as a public park under an agreement between a school board and a local government; absolving the school board from liability for injuries resulting from such use; providing restrictions on such use; providing an effective date.

—was referred to the Committees on Education; and Comprehensive Planning.

SR 2222—Not referenced.

By Senator Villalobos—

SB 2224—A bill to be entitled An act relating to securities and financial transactions; amending s. 16.56, F.S.; expanding the jurisdiction of the Office of Statewide Prosecution to authorize the office to investigate and prosecute offenses related to securities transactions under ch. 517, F.S., and offenses related to financial transactions under ch. 896, F.S.; amending s. 517.191, F.S.; authorizing the Attorney General to investigate and prosecute certain offenses specified in ch. 517, F.S., relating to securities transactions; providing for injunctive relief and restitution; providing a civil penalty; providing for attorney’s fees and costs; amending s. 905.34, F.S.; extending the subject matter jurisdiction of a statewide grand jury to include offenses related to securities transactions under ch. 517, F.S., and offenses related to financial transactions under ch. 896, F.S.; providing an effective date.

—was referred to the Committees on Judiciary; Banking and Insurance; Appropriations Subcommittee on Criminal Justice; and Appropriations.

By Senator Bennett—

SB 2226—A bill to be entitled An act relating to limitation on liability for persons or political subdivisions providing streetlights, security lights, or other similar illumination; providing that a person or political subdivision that provides, operates, or maintains streetlights or other similar illumination is not liable for civil damages for injury or death effected or caused by the adequacy or failure of illumination of the lights, regardless whether the adequacy or failure of illumination is alleged or demonstrated to have caused or contributed in any way to the injury or death; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Governmental Oversight and Productivity; and Judiciary.

SR 2228—Not referenced.

By the Committee on Governmental Oversight and Productivity—

SB 2230—A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2004, and July 1, 2005; amending s. 121.40, F.S.; revising the payroll contribution rates for the Institute of Food and Agricultural Sciences effective July 1, 2004; providing a declaration of important state interest; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Appropriations.

By Senator Bennett—

SB 2232—A bill to be entitled An act relating to workers’ compensation; amending s. 440.055, F.S.; requiring an employer with fewer than four employees who has elected alternative coverage to workers’ compensation to post notice at each worksite to this effect; amending s. 440.075, F.S.; providing that every corporate officer who elects alternative coverage must proceed at common law in any action to recover damages for injury or death brought against the employer; amending s. 440.077, F.S.; providing that an officer of a corporation who elects alternative coverage may not recover workers’ compensation benefits; creating s. 440.095, F.S.; providing for alternative coverage to regular workers’ compensation; prescribing benefits included in alternative coverage; prescribing a schedule of benefits for specified injuries; authorizing the Financial Services Commission to adopt rules specifying policies providing alternative coverages; amending s. 440.02, F.S.; redefining the terms “employee,” “employer,” and “employment” for purposes of unemployment compensation coverage; deleting the power of corporate officers and certain others to elect exemption from workers’ compensation coverage; amending s. 440.04, F.S.; providing that a corporate officer who has elected alternative coverage may revoke that election; amending s. 440.05, F.S.; prescribing procedures for giving notice of election of alternative coverage and of revocation of that election; amending s. 440.10, F.S.; providing for subcontractors to give evidence of alternative coverage to contractors, when applicable; amending s. 440.105, F.S.; providing penalties for an employer that coerces an employee into electing alternative coverage; amending ss. 489.115, 489.515, F.S., to conform; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Senator Argenziano—

SB 2234—A bill to be entitled An act relating to traffic citations; amending s. 316.650, F.S.; providing exceptions to a prohibition against using citations as evidence in a trial; providing an effective date.

—was referred to the Committees on Judiciary; and Transportation.

By Senator Klein—

SB 2236—A bill to be entitled An act relating to wheeled mobility devices; providing a popular name; providing definitions; providing requirements for the provision of prescribed wheeled mobility devices by organizations providing home health, home medical equipment, hospice, or professional support services to patients on an outpatient basis in either their regular or temporary place of residence; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Siplin—

SB 2238—A bill to be entitled An act relating to highway designations; designating the portion of State Road 441 (Orange Blossom Trail) from State Road 192 to the Tupperware Convention Center at 3175 N. Orange Blossom Trail as “Robert Guevara Memorial Highway”; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Wise—

SB 2240—A bill to be entitled An act relating to rights of individuals with disabilities; amending s. 413.08, F.S.; providing definitions; providing that an individual with a disability has full and equal access to and enjoyment of public accommodations and state and local facilities, programs, services, and activities; providing that an individual with a disability may be accompanied by a service animal in places of public accommodation and in state and local facilities; directing that documentation that a service animal is trained may not be a precondition for providing service to an individual accompanied by a service animal; providing that a service animal has access to all areas of a government facility or public accommodation that the public or customers are normally permitted to occupy; directing that an individual with a service animal may not be segregated from other customers or the public; directing that a public accommodation may not impose a deposit or surcharge on an individual with a disability as a precondition to permitting a service animal to accompany the individual; providing that an individual with a disability may be liable for damage caused by a service animal; providing that the animal’s owner is responsible for the care and supervision of a service animal; providing that the public accommodation or government entity is not required to provide care or food or a special location for a service animal; providing that a public accommodation or government entity may exclude or remove any animal from the premises if the animal’s behavior poses a direct threat to the health and safety of others; increasing certain penalties for violations of the act; providing that the trainer of a service animal has the same rights and privileges as a person with a disability while training the service animal; amending s. 413.081, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Judiciary; Comprehensive Planning; and Governmental Oversight and Productivity.

Senate Resolutions 2242-2244—Not referenced.

By Senator Carlton—

SB 2246—A bill to be entitled An act relating to the Discovery of Florida Quincentennial Commemoration Commission; establishing the commission; providing for a term of existence of the commission; providing for commission membership; providing for terms of members; providing for successor appointment; providing for commission meetings; specifying service without compensation; providing for per diem and travel expenses; requiring the commission to adopt bylaws; requiring the commission to develop a master plan for certain purposes; requiring a timetable and budget for the plan; requiring a report to the Governor and

Legislature; authorizing the commission to appoint subcommittees; providing compensation and expense limitations; authorizing the commission to employ an executive director and staff; requiring the Department of State to provide administrative support and consulting services; authorizing the commission to establish a not-for-profit corporation for certain purposes; requiring the corporation to apply for federal tax-exempt status; authorizing the corporation to receive moneys for certain purposes; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

By Senator Peadar—

SB 2248—A bill to be entitled An act relating to business and professional regulation; amending s. 455.271, F.S.; providing requirements for relicensure of delinquent licensees who were originally licensed under a grandfather provision; reenacting s. 455.203(9), F.S., relating to screening of applicants for new or renewal licenses for compliance with child support obligations, for purposes of the amendment to s. 455.271, F.S.; providing an effective date.

—was referred to the Committees on Regulated Industries; and Governmental Oversight and Productivity.

By Senator Miller—

SJR 2250—A joint resolution proposing the amendment of Section 4 of Article IX of the State Constitution, relating to education, to limit the term of office for a member of a district school board.

—was referred to the Committees on Education; Ethics and Elections; and Rules and Calendar.

By Senator Smith—

SB 2252—A bill to be entitled An act relating to criminal history records; amending ss. 943.0585 and 943.059, F.S.; prohibiting the expunction or sealing of a criminal history record concerning a defendant who was found guilty of, or who pled guilty or nolo contendere to, the offense of voyeurism, regardless of whether adjudication was withheld; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senator Smith—

SB 2254—A bill to be entitled An act relating to firefighter and municipal police pensions; creating s. 175.1015, F.S.; authorizing the Department of Revenue to create and maintain a database for use by insurers that report and remit an excise tax on property insurance premiums; providing insurers with incentives for using the database; providing penalties for failure to use the database; requiring local governments to provide information to the department; appropriating funds to the department for the administration of the database; authorizing the department to adopt rules; creating s. 185.085, F.S.; authorizing the Department of Revenue to create and maintain a database for use by insurers that report and remit an excise tax on casualty insurers premiums; providing incentives to insurers for using the database and penalties for failure to use the database; requiring local governments to provide information to the department; appropriating funds to the department for the administration of the database; authorizing the department to adopt rules; providing for distribution of tax revenues through 2007; amending s. 175.351, F.S.; defining the term “extra benefits” with respect to pension plans for firefighters; amending s. 185.35, F.S.; providing for the meaning of the term “extra benefits” with respect to pension plans for municipal police officers; amending s. 175.061, F.S.; authorizing the plan administrator to withhold certain funds; amending s. 185.05, F.S.; authorizing the plan administrator to withhold certain funds; providing an

appropriation to the Department of Revenue; providing an effective date.

—was referred to the Committees on Banking and Insurance; Comprehensive Planning; Governmental Oversight and Productivity; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Smith—

SB 2256—A bill to be entitled An act relating to retirement; providing a short title; providing legislative intent; amending s. 121.091, F.S.; revising provisions relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; providing for reemployment of retired officers; amending ss. 175.191 and 185.18, F.S.; providing minimum retirement benefits payable to certain Special Risk Class members who are injured in the line of duty and who are totally and permanently disabled due to such injury; providing for contribution rate increases to fund benefits provided in s. 121.091, F.S., as amended; directing the Division of Statutory Revision to adjust contribution rates set forth in s. 121.071, F.S.; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Miller—

SB 2258—A bill to be entitled An act relating to the Florida Public Student Assistance Grant Program; amending s. 1009.50, F.S.; amending criteria for receiving a grant; amending criteria for determining the minimum and maximum amounts that may be awarded; providing an appropriation; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Smith—

SB 2260—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; increasing the disability retirement benefit for certain members of the Special Risk Class who were catastrophically injured in the line of duty; providing for funding the benefit; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Smith—

SB 2262—A bill to be entitled An act relating to the prescription of psychotropic medications to dependent minors; amending s. 743.0645, F.S.; creating the Center for Juvenile Psychotropic Studies within the Department of Psychiatry of the College of Medicine of the University of Florida; providing the purpose of the center; providing for the appointment of a director; creating an advisory board; providing for board membership; requiring the center to work with the Department of Children and Family Services, the Department of Juvenile Justice, and the Agency for Health Care Administration; requiring certain data relating to dependent minors for whom psychotropic medications have been prescribed to be made available to the center, as legally allowed; requiring the center to report to legislative leaders by a specified date; providing for future repeal; providing an effective date.

—was referred to the Committees on Children and Families; Education; Health, Aging, and Long-Term Care; Appropriations Subcommittee on Education; and Appropriations.

By Senator Smith—

SB 2264—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; allowing a county that meets specified criteria to use the proceeds from its local government infrastructure surtax to operate and maintain certain parks and recreation programs and facilities; providing an effective date.

—was referred to the Committees on Comprehensive Planning; and Finance and Taxation.

SR 2266—Not referenced.

By the Committee on Banking and Insurance—

SB 2268—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; redefining the terms "corporate officer," "employee," and "employer"; providing members of limited liability companies similar authority to elect exemption from workers' compensation coverage as corporate officers; amending ss. 440.05, 440.077, F.S.; providing technical and conforming changes relating to exemptions from coverage requirements; amending s. 440.093, F.S.; providing exceptions for limitations on benefits for mental and nervous injuries; amending s. 440.105, F.S.; deleting the prohibition against specified acts; providing for carriers and self-insured employers to verify whether benefit recipients are concurrently listed as employees of an employing unit; amending s. 440.13, F.S.; revising method of calculating the value of attendant care services; revising provisions relating to penalties with respect to payment of medical bills; revising practice parameters applicable to medical care; amending ss. 440.14, 440.15, F.S.; correcting cross-references; amending s. 440.20, F.S.; providing duties of the Department of Financial Services in ensuring timely payment of benefits; amending s. 440.381, F.S.; revising penalties relating to applications for coverage; amending s. 440.525, F.S.; providing for examination of certain entities and reports; amending s. 921.0022, F.S.; revising criminal offense severity ranking chart with respect to specified offenses involving workers' compensation; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Criminal Justice.

By the Committee on Banking and Insurance—

SB 2270—A bill to be entitled An act relating to the workers' compensation joint underwriting plan; appropriating \$15 million from the Workers' Compensation Administration Trust Fund in the Department of Financial Services to the workers' compensation joint underwriting plan for Fiscal Year 2004-2005; providing an effective date.

—was referred to the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By Senators Hill and Wilson—

SB 2272—A bill to be entitled An act relating to admission to state universities; providing the popular name the "Thurgood Marshall University Opportunity Act"; amending s. 1007.261, F.S.; authorizing each university to use race as one of the criteria for admission; amending ss. 1004.39 and 1004.40, F.S.; deleting a restriction that prohibits the college of law at Florida International University and the college of law at Florida Agricultural and Mechanical University from using race as a preference in the admissions process; providing an effective date.

—was referred to the Committees on Education; Judiciary; Appropriations Subcommittee on Education; Appropriations; and Rules and Calendar.

SR 2274—Not referenced.

By Senator Clary—

SB 2276—A bill to be entitled An act relating to professional geology; amending s. 492.113, F.S.; providing that violating a rule or order of the Board of Professional Geologists is grounds for disciplinary action; providing penalties; transferring certain duties relating to discipline from the Department of Business and Professional Regulation to the board; correcting terminology; amending ss. 492.111, 492.112, and 492.115, F.S.; correcting terminology; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Lynn—

SB 2278—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; prohibiting the consideration of an application for charter school status for grades below kindergarten; prohibiting the renewal of previously granted charter school status that includes prekindergarten levels; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Atwater—

SB 2280—A bill to be entitled An act relating to annuity investments by seniors; creating s. 627.4554, F.S.; providing a purpose; providing application; providing definitions; specifying duties of insurers and insurance agents relating to making annuity investment recommendations to senior consumers; providing requirements; limiting responsibility of insurers or insurance agents under certain circumstances; requiring a system of compliance and supervision; providing for enforcement by the Office of Financial Regulation of the Financial Services Commission; authorizing the office to issue certain orders to mitigate certain responsibilities of insurers or insurance agents; providing for reduction or elimination of certain penalties under certain circumstances; providing recordkeeping requirements; providing exemptions from application; requiring the Department of Financial Services and the office to enforce compliance; authorizing the department and commission to adopt rules; providing an effective date.

—was referred to the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Wilson—

SB 2282—A bill to be entitled An act relating to powers of county governments; amending s. 316.008, F.S.; authorizing counties to require inspections of school buses and other vehicles transporting pupils; providing for application to vehicles not otherwise required to be inspected; providing an effective date.

—was referred to the Committees on Transportation; Comprehensive Planning; Education; Appropriations Subcommittee on Education; and Appropriations.

By Senators Villalobos, Haridopolos, Crist, Argenziano, Fasano and Smith—

SB 2284—A bill to be entitled An act relating to probation and community control; amending s. 921.0024, F.S., relating to the worksheet computation of the Criminal Punishment Code; increasing the number of sentence points assessed for a community sanction violation; amending s. 944.473, F.S.; providing additional criteria for mandated participation in a substance abuse program; requiring that substance abuse treatment be considered a basic support service in the release orientation program for certain offenders; creating s. 944.6091, F.S.; requiring the Department of Corrections and the Department of Law Enforcement to develop an interagency notification agreement for identifying felony arrests of former inmates who are not under postrelease supervision; providing legislative intent with respect to the notification method; amend-

ing s. 944.705, F.S.; requiring that substance abuse treatment be included as part of the release orientation program for certain inmates; amending s. 948.03, F.S., relating to terms and conditions of probation or community control; providing additional requirements for offenders who have been incarcerated for controlled substance violations; providing additional requirements for random substance abuse testing; amending s. 948.06, F.S.; requiring that the court revoke an offender's probation or community control if an offender violates probation or community control by committing an offense; creating s. 948.061, F.S.; requiring the Department of Corrections to develop a risk assessment and alert system to monitor certain offenders placed on probation or community control; requiring increased supervision of such offenders under certain circumstances; requiring that information be provided to the court by the correctional probation officer; creating s. 948.062, F.S.; requiring the inspector general of the Department of Corrections to review the circumstances of certain arrests of offenders on probation or community control; requiring the Office of Program Policy Analysis and Government Accountability to analyze the reviews and report to the President of the Senate and the Speaker of the House of Representatives; providing legislative findings with respect to the necessity for increased supervision of high-risk offenders who violate community supervision; requesting that the Supreme Court amend a Rule of Criminal Procedure to require that certain offenders arrested for a violation of probation or community control be detained while awaiting a hearing on the violation; providing for amendment of the rules to conform to other provisions of the act; providing effective dates.

—was referred to the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Criminal Justice; and Appropriations.

SR 2286—Not referenced.

By Senator Clary—

SB 2288—A bill to be entitled An act relating to unclaimed property; amending s. 717.101, F.S.; providing definitions; amending ss. 717.106, 717.107, 717.109, and 717.116, F.S.; revising criteria for presuming as unclaimed certain bank deposits and funds in financial organizations, funds owing under life insurance policies, funds held by business associations, and property held in a safe-deposit box or other safekeeping repository, respectively; amending s. 717.117, F.S.; revising reporting requirements for unclaimed property; presuming certain accounts as unclaimed under certain circumstances; amending s. 717.118, F.S.; providing requirements for notification of apparent owners of unclaimed property; amending s. 717.119, F.S.; revising requirements for delivery of certain unclaimed property; providing penalties for late deliveries; amending s. 717.1201, F.S.; revising certain holder payment and repayment requirements; amending s. 717.122, F.S.; revising certain public sale requirements; authorizing the Department of Financial Services to deduct certain auction fees, costs, and expenses; prohibiting actions or proceedings against the department for certain decisions relating to auctions of unclaimed property; specifying that certain sales of unclaimed property are not subject to the sales tax; amending s. 717.123, F.S.; increasing a maximum amount of funds the department may retain from certain funds received; amending s. 717.124, F.S.; providing additional requirements for filing unclaimed property claims; providing for the return or withdrawal of certain claims under certain circumstances; specifying a time period for department determination of claims; authorizing the department to deny claims under certain circumstances; specifying an exclusive remedy for subsequent claimants; revising requirements for a power of attorney; requiring direct delivery of safe-deposit boxes under certain circumstances; revising payment of fees and costs requirements; creating s. 717.12403, F.S.; providing presumptions for certain unclaimed demand, savings, or checking accounts in financial institutions with more than one beneficiary; creating s. 717.12404, F.S.; providing requirements for claims for property reported in the name of a dissolved corporation; creating s. 717.12405, F.S.; providing requirements for claims by estates; amending s. 717.1241, F.S.; revising requirements for remittance of property subject to conflicting claims; amending s. 717.1242, F.S.; clarifying legislative intent relating to filing certain claims; creating s. 717.1244, F.S.; providing criteria for department determinations of claims; amending s. 717.126, F.S.; providing a criterion for proof of entitlement; specifying venue in certain unclaimed property actions; creating s. 717.1261, F.S.; requiring a death certificate in claiming entitlement to certain unclaimed property; creating s.

717.1262, F.S.; requiring certain court documents in claiming entitlement to certain unclaimed property; amending s. 717.1301, F.S.; revising certain fee and expense requirements for investigations or examinations; providing for interest on such amounts under certain circumstances; amending s. 717.1311, F.S.; deleting a requirement to pay certain amounts for failing to maintain certain records; amending s. 717.1315, F.S.; clarifying a record retention requirement for owner representatives; amending s. 717.132, F.S.; specifying criteria for certain corrective actions; creating s. 717.1322, F.S.; specifying grounds for certain disciplinary actions; providing for certain disciplinary actions; amending s. 717.133, F.S.; deleting authorization for the department to enter into certain contracts for certain purposes; creating s. 717.1331, F.S.; providing for department actions against certain lienholders under certain circumstances; creating s. 717.1332, F.S.; authorizing the department to enter into certain audit or examination contracts; exempting contingency fee contracts from certain competitive solicitation requirements; creating s. 717.1333, F.S.; providing for admitting certain documents into evidence in certain actions; amending s. 717.134, F.S.; authorizing the department to impose and collect penalties for failing to report certain information; authorizing the department waive such penalties under certain circumstances; creating s. 717.1341, F.S.; prohibiting receipt of unentitled unclaimed property; providing for liability for such property under certain circumstances; authorizing the department to maintain certain civil or administrative actions; providing for fines, costs, and attorney fees; prohibiting filing claims for unentitled unclaimed property; providing criminal penalties; amending s. 717.135, F.S.; revising requirements for agreements to recover certain property; providing an agreement form; creating s. 717.1351, F.S.; providing requirements for acquisition of unclaimed property by certain persons; providing certain contract requirements; providing a contract form; creating s. 717.1400, F.S.; providing requiring certain licensed persons to register with the department for certain purposes; providing registration requirements; providing for denial of registration under certain circumstances; providing registration limitations; amending s. 212.02, F.S.; revising a definition to conform; amending ss. 322.142 and 395.3025, F.S.; providing for disclosure of certain confidential information to the department under certain circumstances; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Clary—

SB 2290—A bill to be entitled An act relating to public records exemptions; creating s. 717.1171, F.S.; exempting from public records requirements certain financial records held by the Department of Financial Services; providing exceptions; creating s. 717.12401, F.S.; exempting from public records requirements certain personal photographic information held by the department; providing exceptions; creating s. 717.12402, F.S.; exempting from public records requirements certain databases subscribed to by the department under certain circumstances; amending s. 717.1301, F.S.; deleting an exemption from certain public records requirements for materials compiled by the department under an investigation or examination; creating s. 717.1302, F.S.; exempting from public records requirements certain materials compiled by the department relating to investigations or examinations; providing exceptions; creating s. 717.1342, F.S.; providing criminal penalties for disclosure of confidential records; providing findings of public necessity; providing for future legislative review and repeal; providing a contingent effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

SR 2292—Not referenced.

By Senator Atwater—

SB 2294—A bill to be entitled An act relating to working waterfronts; defining the term “working waterfront”; providing requirements of coun-

ties and governmental entities with respect to working waterfronts; requiring a study and report to the Governor and Legislature; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Natural Resources; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

By Senator Haridopolos—

SB 2296—A bill to be entitled An act relating to health care; providing a popular name; amending s. 390.012, F.S.; revising requirements for rules of the Agency for Health Care Administration relating to abortion clinics performing abortions after the first trimester of pregnancy; requiring abortion clinics to develop policies to protect the health, care, and treatment of patients; deleting the requirement that records relating to abortion clinics performing only first trimester pregnancies be maintained as medical records; providing that rules regulating abortion clinics may not impose an unconstitutional burden rather than a legally significant burden on a woman's right to choose to terminate her pregnancy; providing for severability; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Judiciary; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules and Calendar.

By Senator Haridopolos—

SB 2298—A bill to be entitled An act relating to a method of fixing millage; amending s. 200.065, F.S.; revising the method for computing the rolled-back rate by removing the exclusion for new construction, additions to structures, deletions, and increases in the value of certain improvements; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Haridopolos—

SJR 2300—A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution to provide an additional circumstance for assessing homestead property at less than just value.

—was referred to the Committees on Comprehensive Planning; Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Haridopolos—

SB 2302—A bill to be entitled An act relating to the tax on substitute communications systems; amending s. 202.11, F.S.; deleting certain definitions; amending s. 202.12, F.S.; deleting a provision relating to the manner in which the tax on gross receipts for communications services is applied to a substitute communications system; amending ss. 202.16, 202.17, and 202.18, F.S.; correcting cross-references; amending s. 202.19, F.S.; deleting a provision authorizing the imposition of a local communications services tax on substitute communications systems; repealing s. 202.15, F.S., relating to special rules for users of substitute communications systems; providing an effective date.

—was referred to the Committees on Communication and Public Utilities; Comprehensive Planning; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Haridopolos—

SB 2304—A bill to be entitled An act relating to construction contracting; amending s. 489.103, F.S.; exempting the installation of garage

doors from regulation under part I of ch. 489, F.S.; amending s. 489.105, F.S.; authorizing Class A or Class B air-conditioning contractors to disconnect or reconnect liquefied petroleum gas line changeouts; deleting a prohibition against mechanical contractors or plumbing contractors performing work on liquefied petroleum gas lines; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Lynn—

SB 2306—A bill to be entitled An act relating to radiologists performing mammograms; providing licensed radiologists with immunity from tort liability under certain circumstances; providing exceptions; providing for future repeal unless reviewed and reenacted by the Legislature; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; and Judiciary.

By Senator Atwater—

SB 2308—A bill to be entitled An act relating to the Florida Forever Act; amending s. 259.105, F.S.; providing for vesting of title to property acquired in partnership with a local government; providing that purchase agreements be approved by the Board of Trustees of the Internal Improvement Trust Fund and include provisions that protect the interests of the citizens of the state; providing an effective date.

—was referred to the Committees on Natural Resources; Comprehensive Planning; Governmental Oversight and Productivity; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Atwater—

SB 2310—A bill to be entitled An act relating to reading deficiencies; amending s. 1002.20, F.S.; providing certain rights to parents of students with reading deficiencies; creating s. 1003.59, F.S.; requiring a Reading Enhancement and Acceleration Initiative to be established in each school district; providing focus of the initiative to prevent the retention of third-grade students and to provide accelerated reading instruction to students who fail to meet certain standards; specifying student and parent rights; providing for oversight and enforcement for noncompliance; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Argenziano—

SB 2312—A bill to be entitled An act relating to rural counties; transferring the Small County Technical Assistance Program by type two transfer from the Department of Agriculture and Consumer Services to the Department of Community Affairs; amending s. 163.05, F.S.; changing references, to conform; amending s. 288.0656, F.S.; describing designees to the Rural Economic Development Initiative; updating the list of Rural Economic Development Initiative members; providing a definition; creating s. 288.06571, F.S.; providing definitions; authorizing the provision of grants to fiscally constrained counties; providing for a grant application process, a marketing process, review criteria, a review process, and a reporting requirement; providing for rulemaking; providing an effective date.

—was referred to the Committees on Agriculture; Comprehensive Planning; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

By Senators Aronberg, Campbell, Cowin and Bennett—

SB 2314—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.111, F.S.; authorizing additional persons to purchase credit for prior military wartime service; providing an effective date.

—was referred to the Committees on Military and Veterans' Affairs, Base Protection, and Spaceports; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Lynn—

SB 2316—A bill to be entitled An act relating to the Daytona Beach Downtown Development Authority, Volusia County; codifying, amending, reenacting, and repealing the authority's special acts; providing a popular name; providing definitions; providing legislative findings; providing boundaries; providing for supervision, appointment, removal, terms, qualifications, compensation, and filling of vacancies on the authority; providing for functions and powers of the authority; providing for ad valorem taxation; providing for board records and fiscal management; providing for issuance of certificates; providing for elections; providing for millage limitations; providing for special assessments; providing for liberal construction; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Lynn—

SB 2318—A bill to be entitled An act relating to the City of New Smyrna Beach, Volusia County; authorizing the City of New Smyrna Beach to provide extra benefits in firefighter pension plans prior to the receipt of additional premium tax revenues; providing a procedure; authorizing the City of New Smyrna Beach to provide extra benefits in police officer pension plans prior to the receipt of additional premium tax revenues; providing a procedure; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Wasserman Schultz—

SB 2320—A bill to be entitled An act relating to motorized scooters; amending s. 316.2065, F.S.; providing that certain bicycle safety regulations apply to motorized scooters, providing an effective date.

—was referred to the Committees on Transportation; Comprehensive Planning; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Haridopolos—

SB 2322—A bill to be entitled An act relating to communications services taxes; amending s. 202.13, F.S.; revising legislative intent; amending s. 202.16, F.S.; providing requirements for dealers making certain sales for resale; providing procedures and limitations; providing a definition; providing responsibilities of the Department of Revenue; amending s. 202.19, F.S.; revising provisions limiting certain maximum rates; clarifying the inclusion of certain fees and costs in the tax rate; amending s. 202.20, F.S.; deleting certain obsolete tax rate provisions; amending s. 202.21, F.S., to conform; amending s. 202.24, F.S.; including certain fees and costs within a provision that prohibits public bodies from levying or collecting certain taxes from dealers or purchasers of communications services; specifying certain revisions to law as remedial and clarifying; providing an effective date.

—was referred to the Committees on Communication and Public Utilities; Comprehensive Planning; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Sebesta—

SB 2324—A bill to be entitled An act relating to food service employee training; amending s. 509.049, F.S.; providing that the approval of a food safety training program is subject to continued compliance by the private nonprofit provider and its program with laws and rules of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; authorizing the division to conduct random audits of providers; authorizing the division to adopt rules for the maintenance of records concerning food service employees and establishments; authorizing the division to adopt rules regarding revocation of program approval; providing an effective date.

—was referred to the Committees on Regulated Industries; and Health, Aging, and Long-Term Care.

By Senator Bennett—

SB 2326—A bill to be entitled An act relating to juvenile justice education; amending s. 1003.51, F.S.; increasing the percentage of Florida Education Finance Program funding generated by students in juvenile justice programs which must be spent on instructional costs; providing that all formula-based categorical funds must be spent on juvenile justice students; amending s. 1003.52, F.S.; requiring the Department of Education, by a specified date, to select a student assessment instrument and protocol for measuring student learning gains and student progression in juvenile justice education programs; requiring the instrument and protocol to be implemented statewide by a specified date; requiring that students in juvenile justice education programs have access to Florida Virtual School courses; requiring the department and the school districts to adopt policies ensuring such access; providing that juvenile justice teachers are eligible for all teacher recruitment and retention programs; providing that juvenile justice education programs are eligible for all federal funds; deleting a reference to second chance schools; amending requirements for the plan for career and technical education; amending s. 1010.20, F.S.; increasing the percentage of the funds generated by juvenile justice programs which the school district must expend on those programs; amending s. 1011.62, F.S.; creating a separate cost factor to be used in calculating the annual allocation from the Florida Education Finance Program for juvenile justice students; requiring a workgroup to suggest strategies for meeting the requirements of the No Child Left Behind Act and for rewarding juvenile justice education programs for high performance; requiring the department to report the findings of the workgroup to legislative leaders by a specified date; amending ss. 985.412 and 1001.42, F.S., to conform; providing an effective date.

—was referred to the Committees on Education; Criminal Justice; Appropriations Subcommittee on Education; and Appropriations.

By Senator Klein—

SB 2328—A bill to be entitled An act relating to health insurance; authorizing small business employers to contract with the Department of Management Services to purchase coverage in the state group health insurance plan for their employees; providing procedures; requiring recordkeeping by the department; providing for expiration of the act and legislative review; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health, Aging, and Long-Term Care; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Wilson—

SB 2330—A bill to be entitled An act relating to infant eye care; amending s. 383.04, F.S.; requiring certain eye examinations for all infants born in hospitals in the state; exempting this requirement from s. 383.07, F.S., relating to a penalty; amending an exception to the requirements for infant eye care; amending ss. 627.6416 and 641.31, F.S.; providing that coverage for children under health insurance policies and health maintenance organization contracts must include cer-

tain eye examinations for infants and children; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Aronberg—

SB 2332—A bill to be entitled An act relating to consent to experimental research; amending s. 381.026, F.S.; providing an exception for receiving patient consent for certain treatment for certain federally approved experimental research; amending s. 743.065, F.S.; providing for an unwed pregnant minor to consent to participation in certain federally approved research; amending s. 458.331, F.S.; providing an exception to disciplinary action for certain experimentation without consent for certain federally approved research; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; and Judiciary.

By Senator Haridopolos—

SB 2334—A bill to be entitled An act relating to use of illegal nets; amending s. 370.021, F.S.; revising civil and criminal penalties for use of certain illegal fishing nets; providing civil and criminal penalties for flagrant violations; providing a definition; reenacting ss. 370.092(3) and (4) and 370.093, F.S., relating to illegal use of nets, to incorporate the amendment to s. 370.021, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on Criminal Justice—

SB 2336—A bill to be entitled An act relating to probation and community control; amending s. 948.001, F.S.; deleting provisions authorizing the Department of Corrections to collect certain fees as a part of administrative probation; amending s. 948.01, F.S.; correcting a cross-reference; transferring and renumbering provisions governing probation and community control as s. 948.10(10), F.S.; transferring and renumbering provisions authorizing a split sentence of probation or community control and imprisonment as s. 948.012(1), F.S.; prohibiting a private entity from providing probation or supervision services to certain offenders; transferring and renumbering provisions relating to violations of community control as s. 948.10(9), F.S.; transferring and renumbering provisions restricting the placement of certain offenders into community control as s. 948.10(2), F.S.; transferring and renumbering provisions authorizing split sentencing as s. 948.012(2) and (3), F.S.; transferring and renumbering provisions relating to drug offender probation as s. 948.20, F.S.; transferring and renumbering provisions governing community control and criminal quarantine community control as s. 948.101(3), F.S.; transferring and renumbering provisions relating to administration probation as s. 948.013, F.S.; amending s. 948.011, F.S.; clarifying circumstances under which the court may impose a fine or place an offender on probation or community control; amending s. 948.03, F.S.; conforming cross-references; providing for submission of blood or other biological specimens as a standard condition of probation; transferring and renumbering provisions relating to intensive supervision and surveillance as s. 948.101, F.S.; authorizing the court to impose additional terms or conditions of community control; providing certain limitations; transferring and renumbering provisions governing electronic monitoring as s. 948.11(2), F.S.; transferring and renumbering provisions governing the diagnosis, evaluation, and treatment of certain sex offenders as s. 948.31, F.S.; transferring and renumbering provisions governing additional terms and conditions of probation or community control for certain sex offenses as s. 948.30, F.S.; clarifying a requirement for submitting blood and other specimens; transferring and renumbering provisions relating to residential treatment as s. 948.035, F.S.; transferring and renumbering provisions relating to work programs as s. 948.036, F.S.; transferring and renumbering provisions relating to education and learning as a condition of probation or commu-

nity control as s. 948.037, F.S.; transferring and renumbering provisions relating to the submission of blood or other biological specimens as s. 948.014, F.S.; transferring and renumbering provisions relating to a batterers' intervention program as s. 948.038, F.S.; creating s. 948.039, F.S.; authorizing the court to impose special terms and conditions of probation or community control, including requiring the offender to attend an HIV/AIDS awareness program and pay certain costs; amending s. 948.06, F.S., relating to procedures following an arrest of an offender for a violation of probation or community control; transferring and renumbering provisions relating to the arrest of a person for certain sex offenses as s. 948.32, F.S.; amending s. 948.09, F.S.; requiring an offender under addiction-recovery supervision to pay the cost of supervision; amending s. 948.10, F.S.; correcting a cross-reference; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Criminal Justice; and Appropriations.

SR 2338—Not referenced.

By Senator Bennett—

SB 2340—A bill to be entitled An act relating to administrative procedure; amending s. 120.55, F.S.; requiring electronic publication of the Florida Administrative Weekly on an Internet website managed by the Department of State in collaboration with the State Technology Office; prescribing content and website search requirements; providing for free public access to such website; providing guidelines for publishing, and revising guidelines for distributing, the print version of the Florida Administrative Weekly; amending s. 120.551, F.S.; postponing the repeal of such section; providing for training courses for agencies currently publishing materials in the print version of the Florida Administrative Weekly; providing effective dates.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

By Senator Alexander—

SB 2342—A bill to be entitled An act relating to water policy; amending s. 373.069, F.S.; revising boundaries of the Southwest Florida Water Management District and the South Florida Water Management District; amending s. 373.0691, F.S.; providing for the transfer of land and other incidentals from the Southwest Florida Water Management District to the South Florida Water Management District; providing an effective date.

—was referred to the Committees on Natural Resources; and Governmental Oversight and Productivity.

By the Committee on Comprehensive Planning—

SB 2344—A bill to be entitled An act relating to local governments; amending s. 171.0413, F.S.; providing notice requirements for a municipality commencing certain annexation procedures; providing that failure to deliver notice under certain circumstances does not constitute grounds for invalidating an annexation; providing an effective date.

—was referred to the Committees on Comprehensive Planning; and Governmental Oversight and Productivity.

By Senator Lee—

SB 2346—A bill to be entitled An act relating to elections; amending s. 106.011, F.S.; redefining the terms “political committee,” “contribution,” “expenditure,” “communications media,” and “political advertisement”; defining the term “electioneering communication”; amending s. 106.04, F.S.; modifying contribution reporting requirements for committees of continuous existence; amending s. 106.071, F.S.; modifying the

reporting requirements for independent expenditures; establishing reporting requirements for certain individuals making electioneering communications; modifying sponsorship disclaimer requirements for independent expenditures; establishing sponsorship disclaimer requirements for electioneering communications; creating an exemption; repealing s. 106.1437, relating to sponsorship disclaimers on miscellaneous advertisements; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Judiciary.

By Senator Dockery—

SB 2348—A bill to be entitled An act relating to dentistry; amending s. 466.004, F.S.; revising membership, meetings, and duties of the Council on Dental Hygiene; providing duties of the Board of Dentistry with respect to rule and policy recommendations of the council; providing for resolution by the Department of Health of disagreements between the council and board with respect to such recommendations; amending s. 466.023, F.S.; authorizing dental hygienists to assess and refer patients for dental examinations at certain facilities, institutions, and places; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Fasano—

SB 2350—A bill to be entitled An act relating to emergency medical services provided by health maintenance organizations; amending s. 641.513, F.S.; limiting the amount of reimbursement available to a provider for hospital services if the provider does not have a contract with the health maintenance organization; requiring reimbursement for hospital emergency services that are provided to a subscriber as specified, regardless of the existence of an emergency medical condition; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Banking and Insurance; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Lawson—

SB 2352—A bill to be entitled An act relating to the Tallahassee-Leon County Civic Center Authority; codifying, amending, repealing, and reenacting the authority's special acts; providing for planning, developing, operating, and maintaining a comprehensive complex of civic, governmental, educational, recreational, convention, and entertainment facilities; providing for the method and manner of the election, selection, and terms of membership of the authority; providing powers, functions, privileges, duties, and responsibilities of the authority; providing for the issuance of bonds; providing for the rights and remedies of bondholders; providing for the sources of revenues to the authority; naming the Tallahassee-Leon County Civic Center; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue a beverage license to the authority or its designee; providing severability; repealing chapters 72-605, 77-480, 79-502, and 81-494, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Geller—

SB 2354—A bill to be entitled An act relating to video lotteries; amending s. 24.103, F.S.; providing definitions; amending s. 24.105, F.S.; providing powers and duties of the Department of the Lottery pertaining to video lottery games; providing for an annual fee; providing for disposition of the fee; creating s. 24.125, F.S.; providing for the adoption of rules; creating s. 24.126, F.S.; prohibiting certain persons from

playing video lottery games; creating s. 24.127, F.S.; providing requirements for the operation of video lottery games; providing a payout percentage; providing for distribution of income; providing for weekly allocations; providing penalties; creating s. 24.128, F.S.; providing for the licensure of video lottery terminal vendors; creating s. 24.129, F.S.; prohibiting certain local zoning ordinances; creating s. 24.130, F.S.; providing requirements for video lottery terminals; creating s. 24.131, F.S.; requiring video lottery terminal vendors to establish training programs for employees who service such terminals; requiring departmental approval of such programs; providing certification requirements for such employees; providing for the adoption of rules; creating s. 24.132, F.S.; providing for distribution of proceeds from the Video Lottery Purse Trust Fund; providing for the adoption of rules; creating s. 24.133, F.S.; requiring operators of facilities where video lottery games are conducted to post certain warning signs regarding compulsive gambling; amending s. 212.02, F.S.; excluding video lottery terminals from the definition of "coin-operated amusement machine" for purposes of the sales and use tax; creating s. 24.134, F.S.; establishing programs for compulsive gambling within the Department of Children and Family Services; creating s. 24.136, F.S.; authorizing a caterer's license for video lottery retailers; providing an effective date.

—was referred to the Committees on Regulated Industries; Children and Families; Comprehensive Planning; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Geller—

SB 2356—A bill to be entitled An act relating to trust funds; creating s. 24.1127, F.S.; creating the Video Lottery Administrative Trust Fund within the Department of the Lottery; providing for source of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Regulated Industries; Children and Families; Comprehensive Planning; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Geller—

SB 2358—A bill to be entitled An act relating to trust funds; creating s. 550.2631, F.S.; creating the Video Lottery Purse Trust Fund within the Department of Business and Professional Regulation; providing for source of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Regulated Industries; Children and Families; Comprehensive Planning; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Geller—

SB 2360—A bill to be entitled An act relating to growth management; expressing the legislative intent to enact legislation relating to growth management; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Governmental Oversight and Productivity; Appropriations Subcommittee on Transportation and Economic Development; Appropriations; and Rules and Calendar.

By Senator Geller—

SB 2362—A bill to be entitled An act relating to annexation; expressing the legislative intent to revise laws relating to annexation; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Governmental Oversight and Productivity; Appropriations Subcommittee on Transportation and Economic Development; Appropriations; and Rules and Calendar.

SB 2364—Previously referenced.

By Senator Dockery—

SB 2366—A bill to be entitled An act relating to service warranty associations; amending s. 634.406, F.S.; providing certain circumstances under which a service warranty association is not required to establish unearned premium reserve or maintain contractual liability insurance; providing criteria; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Commerce, Economic Opportunities, and Consumer Services.

By Senator Posey—

SB 2368—A bill to be entitled An act relating to commercial electronic messages; providing definitions; prohibiting a person from transmitting a commercial electronic mail message that uses a third party's Internet domain name without permission or a message that contains false or misleading information; prohibiting a person from transmitting an unsolicited commercial electronic mail message without the use of the characters "ADV:" in the subject line or without providing a mechanism allowing recipients to easily remove themselves from the sender's electronic mailing address list at no cost; providing damages and an award for attorney's fees and costs to an injured party for violation of the act; providing the electronic mail service provider immunity from liability; providing an injured electronic mail service provider an award of attorney's fees and costs and, in lieu of actual damages, if the provider so chooses, the greater of \$10 for each unsolicited commercial electronic mail message transmitted or \$25,000 per day; providing an effective date.

—was referred to the Committees on Communication and Public Utilities; Commerce, Economic Opportunities, and Consumer Services; and Judiciary.

By Senator Posey—

SB 2370—A bill to be entitled An act relating to an exemption from public records requirements; amending s. 119.07, F.S.; providing an exemption from public records requirements for cellular telephone numbers, electronic pager numbers, specified identification numbers and access codes for certain electronic communications devices, and the billing records of such numbers, identification numbers, and access codes of active or former law enforcement officers; requiring the Auditor General to report misuse of a cellular telephone or electronic pager by an active or former law enforcement officer; providing for information obtained by the Auditor General to be exempt from disclosure; providing an exception with respect thereto; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Clary—

SB 2372—A bill to be entitled An act relating to physical fitness and health; establishing the Governor's Council for a Fit Florida; providing

powers and duties of the council; providing for membership and terms; providing for council meetings; requiring members to serve without compensation; providing for reimbursement for per diem and travel expenses; requiring each county health department to establish a county Council for a Fit Florida; providing powers and duties of such councils; providing for membership and terms; providing for council meetings; requiring members to serve without compensation; providing for reimbursement for per diem and travel expenses; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; and Governmental Oversight and Productivity.

By Senator Posey—

SB 2374—A bill to be entitled An act relating to public education; creating s. 1010.217, F.S.; providing legislative intent; requiring certain school boards to issue a request for information concerning school food services; creating a task force to create a cost-accounting report concerning school food services; providing for membership; providing for reports to the school districts, the Legislature, and the State Board of Education; requiring certain school districts to hold a public hearing concerning the administration of its food service program; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

By Senator Posey—

SB 2376—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending s. 381.0066, F.S.; providing for the fees charged by the Department of Health pertaining to such systems and in effect on a specified date to remain in effect until otherwise changed by law; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Cowin—

SJR 2378—A joint resolution proposing an amendment to Section 2 of Article V of the State Constitution, relating to the judiciary, to abolish the power of the Supreme Court to adopt rules of practice and procedure for all courts; create a judicial conference to propose such rules; and empower the Legislature to accept, amend, or reject proposed rules, and to repeal or amend rules, by general law.

—was referred to the Committees on Judiciary; and Rules and Calendar.

SB 2380—Previously referenced.

By Senators Crist, Sebesta and Miller—

SB 2382—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; revising provisions relating to the City Pension Fund for Firefighters and Police Officers in the City of Tampa; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to revise the definition of pensionable earnings to include up to 300 hours per year of overtime and any other payments required to be included under chapters 175 and 185, Florida Statutes; revising the medical examination requirements for membership; providing for an increase in the accrual of benefits from 2.5 percent to 3.15 percent; providing for a minimum benefit for retirees; providing that the act is contingent upon execution of a contract between the city and the bargaining agents for the firefighters and police officers; providing for the execution of certain supplemental contract provisions by a date certain or forever barring the receipt of the benefits therein pro-

vided; confirming in part the City of Tampa Firefighters and Police Officers Pension Contract; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Sebesta, Miller and Crist—

SB 2384—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559 (1945), Laws of Florida, as amended; revising provisions relating to the pension fund for general employees of the City of Tampa; clarifying covered employees; revising the definition of “average monthly salary,” “pension credit,” and “normal retirement date” to provide for 6-year vesting; revising deferred pension, early retirement, and disability retirement provisions to provide for 6-year vesting; providing additional cost-of-living adjustments; revising benefits provisions regarding reemployment after termination to provide for 6-year vesting; providing for 6-year vesting for elective officers, department heads, and appointive officers; revising the eligibility requirements for the Deferred Retirement Option Program to provide for 6-year vesting; adding a provision regarding limitations on amounts of benefits; repealing all laws in conflict herewith; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Sebesta, Miller and Crist—

SB 2386—A bill to be entitled An act relating to Hillsborough County; providing definitions; providing purpose; authorizing purchases of goods and services by the county and other public bodies operating in the county under bids submitted to other federal, state, and local governmental entities; providing conditions; providing construction; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Appropriations; and Senator Dockery—

CS for SB 124—A bill to be entitled An act relating to the Chief of Domestic Security Initiatives; amending s. 943.0311, F.S.; providing for security assessments of all buildings, facilities, and structures owned or occupied by state agencies, state universities, and community colleges, by the employees and within existing resources of such state agencies, state universities, or community colleges; requiring completion of initial security assessments by a specified date; providing for subsequent security assessments; providing for reports; requiring the chief to communicate to local governments and water management districts regarding security assessments of buildings and facilities; providing that costs of security assessments of local government buildings and facilities shall be borne by the local government or water management district; providing an effective date.

By the Committee on Natural Resources; and Senator Alexander—

CS for SB 1404—A bill to be entitled An act relating to waterway markers; amending s. 327.40, F.S.; providing for the placement of certain markers on waterways by specified governmental entities; providing an exemption with regard to appearance of said markers; providing that the placement of specified markers on state submerged lands does not subject such lands to certain lease requirements; providing an effective date.

By the Committee on Natural Resources; and Senator Cowin—

CS for SB 1714—A bill to be entitled An act relating to vessel licenses; amending s. 372.57, F.S.; creating a Freshwater Vessel License Pilot Program within the Fish and Wildlife Conservation Commission; establishing nonmandatory license fees and categories; prohibiting the transfer of vessel licenses under certain circumstances; requiring that revenues from the sales of freshwater vessel licenses be deposited into the State Game Trust Fund; providing for the expiration of the pilot program; creating a Vessel License Task Force within the commission; providing for membership of the task force; providing responsibilities and duties of the task force; requiring the task force to submit recommendations to the commission and certain committees of the Legislature; providing for expiration of the task force; amending s. 372.562, F.S.; providing exemptions from certain fees and requirements for persons fishing from or operating a freshwater vessel with a freshwater vessel license; providing for expiration of the exemption; providing effective dates.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 2 was corrected and approved.

CO-SPONSORS

Senators Alexander—SB 1804, SB 1914; Aronberg—CS for SB 576; Bennett—SB 1710, SB 1914; Campbell—SB 1418; Dockery—SB 1914; Margolis—SB 1198; Posey—SB 1914; Saunders—SB 426; Smith—SB 1914 and Wilson—SB 2042

RECESS

On motion by Senator Lee, the Senate recessed at 11:42 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 8:30 a.m., Thursday, March 4 or upon call of the President.